

VILLAGE OF BARTLETT PLAN COMMISSION AGENDA

BARTLETT MUNICIPAL CENTER 228 S. MAIN STREET September 12, 2019 7:00 P.M.

- I. Roll Call
- II. Approval of the June 13, 2019 meeting minutes
- III. (#19-11) More Brewing

Site Plan Review

Special Use Permits to allow:

- a) Restaurant with Alcohol Service,
- b) Outdoor Seating and
- c) Package Liquor Sales

PUBLIC HEARING

- IV. Executive Session
- V. Roll Call
- VI. Old Business/New Business
- VII. Adjournment



J. Lemberg called the meeting to order at 7:00 pm.

Roll Call

Present: J. Lemberg, J. Miaso, J. Allen, J. Kallas, A. Hopkins, D. Gunsteen, D. Negele and M. Hopkins

Absent: T. Ridenour

Also Present: R. Grill, Planning & Development Services Director, Renée Hanlon, Village Planner,

K. Stone, Assistant Village Planner

Approval of Minutes

A motion was made to approve the minutes of the March 14, 2019 meeting.

Motioned by: J. Miaso Seconded by: A. Hopkins

Roll Call

Ayes: J. Lemberg, J. Miaso, J. Allen, J. Kallas, A. Hopkins, D. Gunsteen and M. Hopkins

Abstain: D. Negele

Nays:

The motion carried.

J. Lemberg stated there is will a change in the order of the items that are on the agenda. First will be (#19-07) Project Oak, second will be (#19-08) Bartlett Tap and third will be (#19-05) Bannermans Beer Garden.



(#19-07) Project Oak
Site Plan
Special Use Permit to allow a building 50 feet in height
PUBLIC HEARING

Exhibit A - Picture of Sign Exhibit B - Mail Affidavit

Exhibit C - Notification of Public Hearing Notice in Newspaper

- **R. Grill** stated the Petitioner is requesting a **Site Plan Review** for a proposed 400,000 square foot warehouse building (Phase 1) with a 75,000 square foot future addition (Phase 2) on 26 acres (Lot 1) in the Cook County portion of the Brewster Creek Business Park.
- A 17,000 square foot office space is identified at the northwest corner of the building with the remaining 382,000 square feet designated for warehouse space. The proposed building would be constructed with insulated, pre-cast concrete panels with recessed pre-cast accent panels. The color palette proposed will consist primarily of varying shades of white/gray with blue and orange (pantone) color accents. Pre-finished metal canopies will be located over the entranceways and over the patio area. The overall proposed height of the building would be 44 feet, but to allow for some flexibility within the interior of the building, the Petitioners are requesting a Special Use Permit to increase the maximum height allowed for the building from 45 feet to 50 feet.

The Site Plan identifies 62 exterior docks, (36 on the north side and 26 on the south side). The I-2 EDA Zoning District requires the docks on the north side of the building to be enclosed and recessed 15 feet from the front building elevation due to their location along a corner side yard (Jack Court). The petitioner is requesting a Variation from this requirement along the north side of the building to allow for the proposed 36 loading docks. Landscaping, including evergreen trees, will be incorporated along the north property line and the required parkway tree plantings along Jack Ct. will also provide screening of this loading area from the roadway.

Three (3) curb cuts are proposed along Spitzer Road (west property line) and one along the future Jack Court (north property line). Passenger vehicles would utilize the two northern curb cuts to access the employee parking area, with the southernmost curb cut to be utilized as an entrance/exit for trucks only. The curb cut on Jack Court is identified as an exit only for trucks. Each of the curb cuts for the truck entrance/exits would be gated, with trucks equipped with an electronic system that would enable them access to the loading areas on both the north and south sides.

The Petitioner is requesting a Variation to allow for a reduction in the required number of parking spaces on the property. The Site Plan identifies 272 parking spaces, including eleven (11) handicapped accessible spaces. The Zoning Ordinance requires 447 spaces for Phase 1, and if Phase 2 were built, a total of 522 parking spaces would be required. The plan, however, identifies 253 future land banked parking spaces, which would increase the total parking provided on this site to 525 spaces, and if constructed, would satisfy the Zoning Ordinance requirement. The Site Plan also identifies 30 truck trailer stalls for additional parking along the south property line, adjacent to the Commonwealth Edison right-of-way. Landscaping is proposed adjacent to this parking area along the south property line to help screen the trailers.

A seven (7) foot high black, vinyl clad fence is proposed within the corner side yard along future Jack Court to secure the loading dock areas. This fence would exceed the 4 foot high



maximum permitted in a corner side yard and as a result, the Petitioner is requesting a Variation to allow for the proposed fence height. (The Zoning Board of Appeals recommended approval of all three of the Variation requests at their meeting on June 6, 2019.)

The Photometric and Landscape Plans are currently being reviewed by the Staff.

The Staff recommends approval of the Petitioner's requests for a Site Plan and Special Use Permit subject to the following conditions and Findings of Fact outlined in your staff report.

R. Grill stated the petitioners are here tonight to answer any of your questions.

Petitioner: Jeff Dublo was sworn in by **J. Lemberg**.

- **J. Dublo** stated 17 years ago Triumph Construction brought the first project to the DuPage County side of Brewster Creek Business Park. This will be the first project on the Cook County side. **R. Grill** stated this is the first project in Cook County in the TIF District and will be a tremendous help.
- J. Lemberg asked if any of the members had any questions or comments. A. Hopkins asked if there are other buildings that are that height in Brewster Creek. R. Grill stated there have been some that are 44 ft. 10 inches, very close to the 45 ft. mark. According to her stats this would be the tallest in the park if the petitioners decide to go to 50 ft. J. Kallas asked if this were to be approved would the Village be setting a precedent on this. R. Grill stated not really because the park is about 80% full. D. Negele asked if the building code isn't tall enough, should the code be changed. It seems more projects are requesting taller buildings. D. Negele asked J. Dublo what he meant when he said he needed more flexibility within the building. J. Dublo stated it was his fault, about three years ago he was called on by the Village Board and they asked how high a building should be and he replied 45 feet. R. Grill stated the Board approved 45 feet as J. Dublo asked. Originally the maximum height was 35 feet. D. Negele asked so now you want 50 feet. J. Dublo stated buildings keep evolving, people want to stack higher within the warehouses, at the time 45 ft. was what everyone wanted, with storage units getting more complex they can store higher and higher today.
- M. Hopkins asked Staff to explain the process of reviewing the parking variation, and the rationales that were presented in general. What was the process for review and approval of the variation by the other committee? R. Grill stated parking requirements are based on office space and warehouse space. According to that requirement, 522 parking spaces would be required per the Zoning Ordinance. They are providing 272 parking spaces and Staff has been told by the Petitioner that the peak shift there would be about 170 employees, which will be 100 spaces more than required. They are land banking 253. Two other developments in the business park have land banking agreements and neither have had any parking problems. R. Grill stated if they built out all of the land bank parking would be over the requirement. M. Hopkins asked what would trigger the Village to request them to build more spaces. J. Dublo stated R. Grill will. M. Hopkins asked R. Grill to refresh the committee as to how the height of the buildings are measured. R. Grill stated the building will be of a consistence height, there is no average. M. Hopkins asked about the roof top equipment. J. Dublo stated the highest point of the parapet would be 45 feet. R. Grill stated the roof top mechanicals will be pulled away from the line of sight. M. Hopkins asked if they will be screened. R. Grill stated they are putting them more to the center of the building rather than on the end, further away. J. Dublo stated they did a line of sight study. R. Grill stated line of sight study showed the small parapet will screen the equipment from Spitzer Road. M. Hopkins asked that this study be added to the packets in upcoming projects.



The Committee agreed it's a nice looking building.

- **J. Lemberg** asked if anyone had any other questions or comments. **J. Allen** asked if this lot is the highest elevation within the business park. **J. Dublo** stated yes on the Cook County side, the center point of the building will be visible on Spitzer Road. **J. Allen** stated with the mechanicals being in the middle of the building you won't be able to see them over the building.
- J. Lemberg asked if anyone had any other questions or comments. No one came forward.

The Public Hearing portion of the meeting was open to the Public. No one came forward.

The Public Hearing portion of the meeting was closed.

J. Lemberg then asked for a motion to approve the Petitioner's requests subject to the conditions and Findings of Fact.

Motioned by: A. Hopkins Seconded by: J. Miaso

Roll Call

Ayes: J. Miaso, J. Allen, J. Kallas, A. Hopkins, D. Gunsteen, D. Negele and M. Hopkins

Nayes: None Motion carried.



(#19-08) Bartlett Tap

Special Use Permit to allow Live Entertainment Indoors

PUBLIC HEARING

Exhibit A - Picture of Sign Exhibit B - Mail Affidavit

Exhibit C - Notification of Public Hearing Notice in Newspaper

A. Hopkins recused himself from this agenda item, #19-08 Bartlett Tap

R. Hanlon stated the Petitioner is requesting a Special Use Permit to allow for live entertainment events conducted indoors only. The requested Special Use Permit will <u>NOT</u> allow live entertainment events <u>outdoors</u>. The addition of live entertainment events will not increase the demand for parking.

The Staff recommends approval of the Petitioner's request subject to the following conditions and Findings of Fact as outlined in the staff report.

Petitioner was not present.

- **J. Lemberg** asked if there were any questions from the committee.
- **D. Gunsteen** asked staff if all businesses need to obtain a special use permit to have music or entertainment and why. **R. Grill** stated it's in the zoning ordinance that any live entertainment requires a special use permit. There have been several issued. **D. Negele** asked how venues have special use permits for live music/entertainment. **R. Grill** stated El Faro was granted one about 10 years ago, Pasta Mia, maybe a total of five. **D. Negele** asked if there have been any issues. **R. Grill** stated not that she recalls.
- J. Lemberg asked if there were any questions from the committee.

The Public Hearing portion of the meeting was open to the Public. No one came forward.

The Public Hearing portion of the meeting was closed.

J. Lemberg then asked for a motion to approve the Petitioner's requests subject to the conditions and Findings of Fact.

Motioned by: J. Miaso

Seconded by: D. Gunsteen

Roll Call

Ayes: J. Miaso, J. Allen, J. Kallas, A. Hopkins, D. Gunsteen, D. Negele and M. Hopkins

Nayes: None Motion carried.

7:21 PM, A. Hopkins rejoined the Plan Commission meeting.



(#19-05) Bannerman's Beer Garden Special Use Permit to allow outdoor seating, including the serving of food & liquor

Exhibit A - Picture of Sign Exhibit B - Mail Affidavit

Exhibit C - Notification of Public Hearing Notice in Newspaper

Exhibit D - Letter from resident Rochelle Prybylski

K. Stone stated the Petitioner is requesting a Special Use Permit to allow outdoor seating including the serving of food and liquor.

Bannerman's has occupied 12,573 square feet of Bartlett Commons since 2007. The Petitioner purchased Bannerman's from the previous owner in the fall of 2018.

The Petitioner would like to convert the existing fenced-in area (approved by Ordinance 1993-119) that was used by a previous tenant as an outdoor play area into an outdoor beer garden in the rear of the building, directly south of Bannerman's leased space.

The beer garden would include 10 tables with a total of 40 seats. The Petitioner is proposing to have TVs, numerous outdoor games and occasional acoustical music with no amplification, in the outdoor beer garden.

The existing 6-foot tall wood fence will be repaired and new fencing will be installed to provide a emergency exit aisle for the adjacent karate school.

There will be a gate on the south side of the fence; however, it will be locked so patrons cannot enter or exit through the beer garden but will be accessible for the fire department.

Bannerman's is currently open seven days a week from 11:00 a.m. to 11:00 p.m. Sunday thru Tuesday, 11:00 a.m. to 12:00 a.m. Wednesday, 11:00 a.m. to 12:30 p.m. Thursday and 11:00 a.m. to 1:00 a.m. Friday and Saturday and has a Class A liquor license.

The Petitioner is requesting that the outdoor beer garden be open the same hours as the indoor operations listed above.

The Committee of the Whole reviewed the Petitioner's request at their meeting on May 21, 2019. The Committee had some concerns with the proposed hours of the beer garden and the proximity to the homes to the west. Staff has provided an exhibit within your packet that provides the distances from the proposed beer garden to the homes. It ranges from 175 feet to 325 feet.

If the Plan Commission recommends approval of the Petitioner's request, the following conditions and Findings of Fact that should be applied.

J. Lemberg presented a letter from Rochelle Prybylski that was entered into the record as Exhibit D.

Petitioner: Sam Magsood was sworn in by J. Lemberg.



- **S. Maqsood** stated he is the owner of Bannermans and purchased the business last fall, 2018. He wanted to emphasize he is not proposing to have a live music venue. No amplification will be out in the beer garden. This vision came about as a result of customers requesting a place outside to sit during the summer. **S. Maqsood** is proposing to have a family friendly atmosphere with tables, food and drinks. No amplifiers, no loud music. **S. Maqsood** stated he was open to meeting with the neighbors about noise. The hours are negotiable as well.
- A. Hopkins stated he thought it was a great idea to have outdoor seating. The hours proposed may be a little late due to the homes that are nearby. A. Hopkins stated he thought 10:00 PM, Sunday through Thursday, and Friday and Saturday 11:00 PM would be reasonable. S. Maqsood stated he was very open to the hours and closing the outdoor patio and bring everyone indoors. A. Hopkins stated the fence height is currently 6 ft. and asked if the fence could be brought up to 8 ft. S. Maqsood stated he could certainly propose that to the owner of the building. A. Hopkins stated the fence height would just be another way to keep the sound to a minimum. S. Maqsood stated near the road there is an 8ft tall wall and trees on the east side. S. Maqsood was willing to talk with the owners of the property. A. Hopkins stated some acoustic musicians use a microphone to help amplify their voice and not just for their guitar. Will this be allowed? S. Maqsood stated since it's such a small space he won't allow it. However his TV's may have a few speakers, but the games are usually over by 9:00 9:30 the speakers will be turned off after the games.
- D. Negele asked Staff what the parameters that define excessive noise in the municipal code. How many feet is noise allowed to radiate from Bannermans to the residents. The closest home is 175 ft. what is excess? K. Stone stated the Village follows the state standards. Typically the Police Department are the ones to enforce the excess noise. If they can hear it from the property line they will go into the business and ask that the music be turned down. D. Negele stated there isn't a footage that's assigned. R. Grill stated the State standard reads at the property line. D. Negele asked how many feet is it to the property line in the back. K. Stone stated she believes its 35 ft. to the property line. **D. Negele** stated according to the letter from R. Prybylski, she says she is hearing it even through closed bedroom windows. S. Magsood stated that is from the live bands, and he is not proposing any live bands outside. He has tested it himself when he has had live bands he could barely hear anything in the back of the building. He suggested that someone could check it again. There won't be any live bands or amplification outside of the building. D. Negele asked S. Maqsood if he felt he has accommodated or listened the residents when they do have complaints. Are they being resolved or is this an ongoing issue. **S. Magsood** stated he can't answer for sure, if the police are called they check it out so he was unsure as to what the residents are told. During the 9 months he has owned Bannermans, he is unaware of any complaints. D. Negele asked S. Magsood if he was aware of any complaints or issues. **S. Magsood** stated no personally he hasn't had any.
- **D. Gunsteen** stated he frequents Bannermans and they do a great job. He asked **S. Maqsood** what kind of lighting will be in the beer garden. **S. Maqsood** stated he will probably put lights on a pole with white bulbs. To be honest, he hasn't thought about it yet. First on his agenda was to get this approved. **D. Gunsteen** asked if the back door of the building is currently the rear egress, and that will spill off into the fenced in area. **K. Stone** stated a new side door will be added for the outdoor area, which was originally used by the day care center that was in the tenant space. **S. Maqsood** stated the door for the outdoor space will be from inside Bannermans. There will be an emergency exit door from the beer garden. **D. Gunsteen** stated since there are loud bands at night, and if the door is propped open loud music will spill out into the back. How will this be rectified? **S. Maqsood** stated most of the bands will be playing in the fall through winter and end in May. The proposal is to open the beer garden in May and through the summer. If there are bands playing in the summer,



something will need to be worked out to minimum the noise level for the neighbors. He will need to think of a solution for this. **D. Gunsteen** asked if the gate door on the fence will be locked or will it be accessible for people to get out. **S. Maqsood** stated people will be able to get out out for emergencies only. **D. Gunsteen** stated people smoke outside in the front of the building, what will be done to prevent people from smoking in the back. **S. Maqsood** stated they will probably be able to smoke in the beer garden if it meets the 15 ft. requirement from the building. **D. Gunsteen** asked staff if this is permitted. **R. Grill** stated yes in the far corner because it's more than 15 ft. from the building. **K. Stone** stated the only regulations on smoking outdoors is just at entrances. **S. Maqsood** stated its 25 ft. from the building to the fence. **D. Gunsteen** stated he thinks this is tight area for people to sit and eat and have someone smoking next to them. **S. Maqsood** asked if **D. Gunsteen** was proposing to not allow smoking at all. **D. Gunsteen** stated as a business owner yes, and he wouldn't come back if someone was smoking next to him.

M. Hopkins asked to reserve his comments until after the Public Hearing.

Public Hearing portion of the meeting was open to the Public.

Allie Duensing, 1168 Foxboro Lane, stated she lives in one of the homes directly behind Bannermans. It was during her high school years that she began hearing their music late in to the night. She and her family did everything they could to reason with Bannermans to keep the noise down. They wouldn't listen so they contacted the Police Department. The noise level still wouldn't be lowered. A. Duensing stated she had difficulty sleeping because of the noise. She is currently a college student and is working two jobs. Bannermans noise level continues to be loud to this day. About midnight on May 11th it sounded like Bannermans was having a concert in the parking lot, when the band was actually inside the building. A. Duensing stated she called Bannermans because the noise was keeping her awake. The person who answered the call couldn't hear her. Transferring her call to someone in a quieter place. They stated the music would stop soon, but did not apologize. A. Duensing stated her family has been trying to work with Bannermans over the years but they are at a point that they will not tolerate the noise any longer. Bannermans has made it known to the residents that they are not considerate of the community that lives around them. A. Duensing asked that the beer garden plans not be passed. History has shown that noise levels are loud inside the building and the outside beer garden will make it even worse. Intoxicated individuals will add to the noise that will be at an extreme level. A. Duensing stated everyone has families and responsibilities that need attention, and Bannermans will make that difficult with its 1:00 AM nights. She asked that the Committee put themselves in the same position that they are in.

Tiffiny Duensing, 1168 Foxboro Lane, mother of Allie, stated they have dealt with this problem for the last 12 years. The reality of when the police arrive, is that they are told the Village has approved and allowed this and there isn't anything they can do. T. Duensing stated the music can be heard from inside the building and inside her home. She can hear when the bands play and when they take a 20 minute break, and when they start up again. Since calling the police, she has found out that they have no recourse. No one will help her. T. Duensing stated no one more than her daughter, Allie, has been more effected. She is paying the price for this business being in the location that they are in.

T. Duensing is requesting that the Plan Commission not allow the beer garden and extending the hours. There are no decibels limits, and she is at her wits end and would like Bannermans to relocate. The walls S. Maqsood is talking about installing are not sound barrier walls. The trees have been cut down so this takes away from any kind of buffer from the sound. There is a strong odor of weed, not cigarettes, but weed coming into her house. T. Duensing stated Bannermans has proven not to be good neighbors, and she is requesting that the beer garden be denied.



D. Gunsteen asked **T. Duensing** what was her most recent encounter with Bannermans. **T. Duensing** stated she has dealt with the previous owners, since she had no recourse from the police she has resorted to calling Bannermans directly and they would turn the music down. **T. Duensing** told **S. Maqsood** she has not had the same cooperation or respect with him, which she had with the previous owner. She just wants them to move.

The Public Hearing portion of the meeting was closed.

- J. Lemberg asked if anyone on the Commission had any questions or comments.
- J. Kallas stated a beer garden that close to homes is ridiculous. No matter how hard one tries to keep the noise down, when you have 40 people out there, drinking and the volume of their voices tend to rise. TV's, speakers for music he doubts that S. Maqsood will be able to control it volume. J. Kallas stated S. Maqsood should find an acre or two to build what he wants, don't bother with where he is located now. Once the back door is opened the music spills out. J. Kallas stated he doesn't live that far away and he can hear it from his house. J. Kallas feels S. Maqsood should give up on the idea of a beer garden. J. Kallas stated another business opened up a beer garden where the residents are farther away, and he has heard it's not really working out. It's a good idea if the location is where it will not bother anyone. J. Kallas stated as far as he is concerned this issue is dead with him.
- M. Hopkins stated in K. Stones' report it refers to the Village Ordinance on Nuisances, it talks about noise limits. M. Hopkins stated he is a little confused as to why the Police cannot enforce this ordinance. "No person shall cause or allow a sound beyond the boundaries of said persons property located within industrial, business or public land area that unreasonably interferes with the enjoyment of life." M. Hopkins stated if this is the case, and if T. Duensing is getting measurable intrusive sound within her home that is 175 ft. away with the windows shut, there seems to be an enforcement issue. This should be measureable and enforceable. M. Hopkins stated with that being said, looking at the possibility of a beer garden, even with the revised hours, he is very troubled by the whole thing. M. Hopkins stated even when his neighbors have a nice quiet party the voices go up and down. You put up with it because it's only for that evening and not constant. But with Bannermans, this is every day of the week. M. Hopkins thinks this is unreasonable interfering with the enjoyment of life and having a detrimental effect on neighboring properties.
- J. Lemberg asked if anyone on the commission had any questions or comments.
- D. Negele asked that S. Maqsood answer some of the questions brought up tonight. D. Negele stated she is aware that this was inherited from Murray, but what can be done? S. Maqsood stated the May 9th call did come to Bannermans, however he wasn't there. The next time he had a band, S. Maqsood went to the back of the building and he could barely hear the band. Since he had complaints he wanted to test it himself. It was barely audible from the back of his building. He is willing to test that with the police, and with the Village when there is a band playing. S. Maqsood stated he doesn't want to cause pain to the residents in the area. If it does, this needs to be fixed. If TV's and acoustics are a deal breaker, then he will not do it. He just wants people to come and enjoy a couple of beers, food and be gone by 9:30 10:00 PM. D. Negele stated the businesses in Bartlett make it a great place to live, however, being a good neighbor is the number one priority. In order to prove this tonight, the Commission will need to come up with an agreement as to what it would be, by changing the conditions and Findings of Fact before approval. S. Maqsood stated he is aware a beer garden was approved for Bracht's Place and to his knowledge there haven't been any complaints and the neighbors are very close as well. A. Hopkins asked if



- S. Maqsood had completed a FOIA request to make sure there haven't been any complaints. S. Maqsood no, but at the last Village meeting that was brought up. K. Stone stated Bracht's beer garden is 220 ft. from the town homes. Their approved hours are Sunday through Thursday until 10:00 PM., and Friday and Saturday until midnight. D. Gunsteen asked if Bracht's had outdoor music. K. Stone stated they do not, that's prohibited as well as outdoor entertainment TV's per their special use. J. Kallas stated if S. Maqsood was so concerned about the neighbors then he should forget about this project, because all this will do is cause more problems if it's built. A. Hopkins asked K. Stone if it's true that Bracht's hasn't had any police reports or the police interaction? K. Stone stated the police calls to Bracht's have not been in regard to the excess noise due to outdoor beer garden.
- **A. Hopkins** stated if there is a motion made for this agenda item, will **S. Maqsood** be willing to adjust the hours even more, say 9:00PM, not all nights of the week, and focus on Thursday through Saturday? **S. Maqsood** stated yes. **A. Hopkins** stated he would like to see the reduced hours put into the motion, then the Village Board can decide. **A. Hopkins** stated he didn't like the idea of TV's being outside. He understands people like being out there, but TV's invite them to stay outside longer. No speakers, no TV's and reduced hours should be put in the motion. 9:00 PM., Sunday through Thursday and Friday and Saturday until 11:00 PM. **S. Maqsood** stated he is willing to change Friday and Saturday until 10:00 PM. It's not his intention to bother the neighbors and keep them awake.
- **D. Gunsteen** stated although he likes beer gardens, and thinks the better way of doing it is with brick walls. He would like to see if the landlord and **S. Maqsood** come up with more of a sound barrier structure. The wooden fence that is there was used for child care and may not prevent or reduce the noise from the area. The motion should include a non-smoking area.
- **A. Hopkins** stated for the motion there is non-smoking, no speakers, no TV's, no amplification of sounds, reduced hours.
- **D. Negele** stated she understands this is a business and going through the expense of doing this, they want to be able to utilize the space. **S. Maqsood** will need to determine if the cutbacks and changes are worth it given the current parameters. **A. Hopkins** stated this gives him direction on what the Plan Commission wants to see and then what changes the Village Board may want to make.
- **R. Grill** stated so far the conditions are the reduction of the hours to 9:00 PM., Sunday through Thursday and Friday and Saturday until 10:00 PM. Need for more of a sound barrier for the perimeter of the outdoor area. **R. Grill** asked if the Committee is looking for a taller fence. **D. Gunsteen** stated he thinks it needs to exceed the eight ft. fence with of a sound barrier made of a cement or brick, masonry wall product to provide additional sound barrier. **D. Gunsteen** his biggest concern is the smoking and the fact that the door opens while the band is playing. **S. Maqsood** stated bands are usually Friday and Saturday starting at 9:00 PM. On the nights that bands are playing he is willing to close the beer garden at 9:00 PM to prevent the music from spilling outside. **A. Hopkins** stated that is better for the bands, they want the people inside. **S. Maqsood** stated the beer garden will be closed at 9:00 PM when a band is playing. **R. Grill** stated she also has no TV's, no-smoking, no speakers nor amplification of sounds, reduced hours.
- J. Lemberg asked if anyone on the Commission had any questions or comments.
- **J. Lemberg** stated when Bannermans first opened it was a family restaurant, designed for after youth sports to have pizza and pop, play a small card game. Over the years it has evolved into adult



entertainment. The residents have stated they have the smell of marijuana in their homes. Now that the Governor has signed the bill, it will be worse. **J. Miaso** stated it will be legal. **J. Lemberg** stated if turned from a nice family restaurant to an adult playground.

J. Lemberg then asked for a motion to approve the Petitioner's requests subject to the conditions and Findings of Fact. With the added times, fence requirements, no smoking, no TV's, no amplification of sounds, close the beer garden at 9:00PM when bands are playing.

Motioned by: D. Negele Seconded by: J. Miaso

Roll Call

Ayes: J. Miaso, J. Allen, A. Hopkins, D. Gunsteen, D. Negele

Nayes: J. Kallas, M. Hopkins

Motion carried.

T. Duensing felt she has wasted her time, and the Village will do as they please. **M. Hopkins** stated she did not waste her time. **D. Negele** stated this does not mean this will be approved.



- J. Lemberg welcomed Renée Hanlon to the Community Development Department and asked her to give a little bit of her background. R. Hanlon stated she previously worked at Sugar Grove for 3 ½ years as the Planning & Administrator. Previously she worked with her husband whom is a private planning consultant only on a part time basis. Prior to that, she was a Zoning Administrator in Elgin, until she decided to stay home to raise her children for several years. R. Hanlon stated she was very happy to be here.
- **J. Lemberg** asked if there has been any updates regarding Bucky's. **R. Grill** stated no, they officially withdrew their application.
- **J. Lemberg** asked if there was anything to add. **R. Grill** stated there are some cases coming up that may be interesting, so stay tuned. **A. Hopkins** stated he would not be at the July meeting. **R. Grill** said this will probably be in August or September so he may not miss anything. Community development is very busy.
- D. Gunsteen asked when the noise ordinance could be revisited, in respect to different projects in the future. He thinks it's an open ended item that constantly falling back on a state level or default. R. Grill stated the Village has previously hired a consultant to take decibel levels before. One example is when Lake Street was being widened near Rt. 59. IDOT wanted to widen it with sound walls. There were decibel levels taken but we have nothing to measure them. There are levels in the code. The Village excessive noise code is from 2001. It's more of an enforcement thing that needs to be discussed with the police department. D. Gunsteen stated the residents do have a valid concern. R. Grill stated maybe it's something that needs to be purchased and take a look at. D. Gunsteen stated more and more businesses will want beer gardens and there will need to be a noise limit. D. Negele stated businesses are reinventing themselves to make them more profitable. She doesn't want to see this kind of thing happen to the residents. R. Grill stated she will need to get with the police department to discuss the noise levels. D. Gunsteen stated we want to encourage people to come to town and having this information on the front side will allow them to present a better plan than what was presented today. R. Grill stated when the car wash came in, M. Hopkins put maximum decibel reading levels out on the vacuums. This is something Staff will need to look into. The Board may direct Staff to place a condition as to the maximum decibel for this petitioner. M. Hopkins stated maybe a Community Service Officer can do with an app on the phone to measure sound from the property line. K. Stone stated unfortunately when they stopped calling the police department, no one was aware of the complaints. R. Grill stated Bannermans got a special use for indoor live entertainment. D. Gunsteen stated he owns eight car washes and gets calls all the time from all the cities he is in. When he gets his site plans approved he must provide a disciple reading site plan similar to a photometric plan. If that is exceeded he gets a \$100 ticket every single time. As a resident of Bartlett he thinks this needs to be looked at in the future. R. Grill asked his disciple level, D. Gunsteen answered 55 at the property line. When a customer has their music up they also get a ticket. D. Negele stated she doesn't want any Bartlett Commission to be blamed for not enforcing an ordinance when it should be. **D. Gunsteen** stated that's why the previous owner of Bannermans was looking for his own property, to own, not lease.
- J. Lemberg then asked for a motion to adjourn. All in favor. The meeting was adjourned at 8:12 P.M.

COMMUNITY DEVELOPMENT MEMORANDUM 19-138

DATE:

September 6, 2019

TO:

The Chairman and Members of the Plan Commission

FROM:

Renee Hanlon, Senior Planner

RE:

(#19-11) More Brewing 121 W Railroad Avenue

PETITIONER

Matt Cotherman, Principal Construction on behalf of More Dusty, LLC

SUBJECT SITE

121 W Railroad Avenue (Southeast corner of Railroad and Oak Avenues)

REQUESTS

Site Plan Review

Special Use Permits to allow:

- a) Restaurant with Alcohol Service,
- b) Outdoor Seating, and
- c) Package Liquor Sales

EXISTING AND PROPOSED CONDITIONS

	<u>Land Use</u>	Comprehensive Plan	Zoning
Subject Site	Vacant	Commercial	B-1
North South East West	Commuter Parking Private Parking Commercial Commercial	Commercial Commercial Commercial Commercial	B-1 B-1 B-1 B-1/P-1

DISCUSSION

1. The Petitioner is requesting a **Site Plan Review** to construct an 8,063 square foot building on the subject property. A sit down restaurant (More Brewing) will occupy the entire building. The building includes, along with functional areas such as kitchen and bathrooms; a first floor dining room, first floor patio, a mezzanine dining room, and an additional patio on the mezzanine level. The restaurant will serve food, alcohol, and locally brewed beer.

- 2. The Petitioner is also requesting **Special Use Permits** for a restaurant serving alcohol, the previously mentioned outdoor dining areas and package liquor sales. Periodically, the Petitioner is proposing to package their "new release" beer products and sell these on-site for off-site consumption. The Petitioner operates a successful restaurant in Villa Park with this same business model. The anticipated hours of operation are eight o'clock (8:00 a.m.) until midnight (12:00 a.m.) every day.
- 3. The proposed building architecture is a contemporary style that includes a glass overhead door along the Railroad Avenue façade which will incorporate an indoor/outdoor design element to the building. The primary entryway is proposed on the same Railroad Avenue façade and will be distinguished as such. The building is approximately twenty six feet (26') in height. The primary building material will be black brick with a wood look composite material as the minor building material. Railings on the mezzanine patio, the overhead doors on the first floor, and the retaining wall around the first floor patio are all complimentary in color and design to enhance the building architecture. The patios will be finished with large gray planters to bring more green elements to the building.
- 4. The Petitioner is requesting the following Variations: (The Zoning Board of Appeals conducted a Public Hearing September 5, 2019 to consider this request. The ZBA voted unanimously to recommend approval of the Variations as requested.)
 - A. A 100% reduction in the number of off-street parking spaces required (BMC 10-111-6 Spaces Required). The Zoning Ordinance requires 132 off-street parking spaces to accommodate this use. The requirement is based on providing one (1) space for each three (3) seats in the dining and patio areas, plus one (1) space for each three (3) employees at peak shift. The proposed floor plan indicates a total of 368 seats and the Petitioner anticipates a maximum of twenty-five (25) employees at peak shift. Due to the large amount of public on and off-street parking located nearby, the anticipated parking demand may be accommodated off-site. The attached map and data table illustrates the location and availability of public parking within close proximity to this proposed restaurant. Further, the mezzanine area, although counted toward the required number of parking spaces, will be used exclusively for private events and as an overflow waiting area when the restaurant is operating during peak dinner service. The patio seats were also included in the parking calculation; however, their use is weather dependent which reduces the parking demand during the winter months.
 - B. A 95% reduction in the building setback along the rear lot line (BMC 10-6A-7.B.3 Site and Structure Provisions). A twenty foot (20') rear building setback is required by ordinance. The Petitioner is proposing a one foot (1') building setback along the rear lot line. The south lot line is considered the rear lot line.
 - C. A 95% reduction in the building setback along the corner side lot line (BMC 10-6A-7.B.2 Site and Structure Provisions). The Zoning Ordinance requires a twenty foot (20') building setback along the S Oak Avenue lot line. The Petitioner is proposing a one foot (1') setback from the S Oak Avenue lot line. This lot line follows the inner edge of the existing public sidewalk pavement.

- D. A 40% increase in the allowable building floor area ratio (BMC 10-6A.7.D Site and Structure Provisions). The Zoning Ordinance allows a maximum floor area ratio of sixty percent (.6). The Petitioner is proposing a floor area ratio of approximately 1.08. The proposed building is one story with a mezzanine and upper and lower patios.
- E. A 30% reduction in the amount of open space provided on the lot (BMC 10-11A-4.B Minimum Landscaped Open Space). The Zoning Ordinance requires that fifteen percent (15%) of the lot area be preserved as open or green space. The petitioner is proposing to provide five percent (5%) open space on the lot. This open space is located at the northwest corner of the property and will be maintained with natural grasses and an appropriate ground cover. The Petitioner further proposes to maintain large planters on the patios. These planters will be maintained with plant materials such as evergreen shrubs to provide interest throughout the year.
- F. A 100% reduction in the number of required off-street loading spaces (BMC 10-11-2-5 Space Required). The Zoning Ordinance requires that an 8,063 square foot building provide one (1) off-street loading berth. The Petitioner is asking for a full waiver of this requirement due to the limited lot area of this parcel. The Petitioner anticipates that deliveries will be made through the door on the west side of the building. Delivery vehicles will use the S Oak Avenue right-of-way to stop for delivery service as was also utilized by the previous commercial entity. The Petitioner plans to schedule delivery services at times that will minimize any disruption of traffic on S Oak Avenue.
- 5. The Village of Bartlett in association with the Regional Transportation Authority has contracted with Codametrics to draft a Form Based Code applicable to the Downtown Bartlett area that focuses on regulating the appearance, placement and scale of buildings and their relationship to one another. Codametrics has completed a draft which will be presented to the Village Board Committee on September 17, 2019. Staff has had the opportunity to compare the Petitioner's proposed plans to the draft code. The following staff observations are noted:
 - a. The draft code will greatly reduce the required number of off-street parking spaces. The draft code will require approximately 20 off-street parking spaces compared to the current Zoning Ordinance which requires 132 off-street parking spaces. The draft code reduces the requirement for off-street parking due to the substantiated concept that a property located near a transit station does not require the same parking ratio as a property located outside a public transit area.
 - b. The draft code will allow a building to be constructed up to a corner side lot line (\$ Oak Avenue in this case). The current Zoning Ordinance requires a twenty foot (20') setback along a corner side lot line. Building to the lot line is historically more evident within the Downtown Bartlett core.
 - c. The draft code eliminates the open space requirement in the core downtown area. The Zoning Ordinance applies a required fifteen percent (15%) open

space minimum throughout the Village. The historic development pattern within the Downtown Bartlett core is to build lot line to lot line without preserving open space on the lot. The reason historic downtowns may be relieved of this requirement is the location of public open space within close proximity.

RECOMMENDATION

The Staff recommends approval of the Petitioner's requests for a Site Plan and Special Use Permit subject to the following conditions and Findings of Fact:

- Building permits shall be required for all construction activities;
- B. Staff approval of the Landscape, Sign, and Photometric Plans;
- C. Village Engineer approval of the Engineering and Stormwater Plans;
- D. Landscaping must be installed within one year of the issuance of a building permit;
- E. If landscaping cannot be installed at the time of construction, a landscape estimate shall be submitted to Community Development for review and approval by the Village Arborist and a bond posted in the approved amount for its future installation;
- F. Staging for construction shall take plan on 214 S Oak Avenue vacant lot pursuant to separate agreement made by and between More Dusty LLC and the Village of Bartlett;
- H. Findings of Fact (Site Plan):
 - i. That the proposed Restaurant is a permitted use in the B-1 Zoning District;
 - ii. That the proposed building, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses;
 - iii. That the vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well;
 - iv. That the site plan provides for the safe movement of pedestrians within the site:
 - v. That there is a sufficient mixture of grass trees and shrubs within the interior and perimeter (including public right-of-way) of the site so that the proposed development will be in harmony with adjacent land uses. Any part of the site plan area not used for buildings, structures, parking or access ways shall be landscaped with a mixture of grass, trees and shrubs; (All landscape improvements shall be in compliance with Chapter 10-11A, Landscape Requirements.)
 - vi. That all outdoor storage areas are screened and are in accordance with standards specified by this Ordinance.
 - I. Findings of Fact (Special Use Permits):
 - The proposed Special Uses are desirable to provide a use which is in the interest of public convenience and will contribute to the general welfare of the community;
 - ii. That the proposed Special Uses will not under the circumstances of the particular case be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity or be injurious to property value or improvement in the vicinity;
 - iii. That the Special Uses shall conform to the regulations and conditions

CD Memo 19-138 September 6, 2019 Page 5

specified in the Bartlett Zoning Ordinance for such use and with the stipulations and conditions made a part of the authorization granted by the Village Board of Trustees.

Background materials are attached for your review and consideration.

RWH/attachments x:\comdev\mem2019\137_121WRailroadAve_More Brewing_zba.docx



July 16, 2019

Mr. Kevin Wallace, Village President
Ms. Kristina Gabrenya, Trustee
Michael E. Camerer, Trustee
Vince Carbonaro, Trustee
Raymond H. Deyne, Trustee
Adam J. Hopkins, Trustee
Aaron H. Reinke, Trustee
Village of Bartlett
228 S. Main Street
Bartlett, IL 60103

Re: Development Application and Request for Special Use Permit and Zoning Variance for More Dusty, LLC d/b/a More Brewing Company – Bartlett; 117-121 E. Railroad Avenue, Bartlett, Illinois 60103

Dear Mr. Wallace and Members of the Board of Trustees:

More Dusty, LLC is pleased to present its Development Application and requests for special use permit and zoning variance for your consideration.

As many of you know, this is an application for a satellite location of More Brewing Company, which currently has its operations in Villa Park, Illinois. The proposed use covered by this application will be an approximately 8000 sf brewpub and restaurant with a large outdoor seating and dining area. The building will made with an exterior wood siding and will have a second floor private event/overflow room.

This application seeks a special use permit for a) a brewpub restaurant serving liquor, beer and wine; b) an outdoor seating and dining area; and c) package liquor sales limited to beer. It also seeks a zoning variance for parking and landscaping. Based on the size of the building relative to the size of the lot, on-site parking will not be available. Also, based on the size of the building relative to the size of the lot, the amount of in-ground landscaping and green space will be limited. However, the applicant does plan to provide greenery and other landscaping elements with planter boxes and other design elements of the building.

Thank you for your consideration. Please feel free to contact anyone from our team with any questions you may have.

Very truly yours,

achin Patel

RECEIVED
COMMUNITY DEVELOPMENT

JUL 1 9 2019

President, More Dusty, LLC

VILLAGE OF BARTLETT

SIGN PLAN REQUIRED? No

(Note: A Unified Business Center Sign Plan is required for four or more individual offices or businesses sharing a common building entrance or private parking lot.)

PROPERTY INFO	RMATION				
Common Address/	General Location of	Property: <u>117-121</u>	E. Railroad Avenue		
Property Index Nu	mber ("Tax PIN"/"P	arcel ID"): <u>06-34-</u>	409-001		
Zoning: Existing:		Land Use:	Existing: Vacant		
Proposed	l: B-1	8	Proposed: Mixed Use Business		
Comprehensive Pla Acreage: 7,164 SF	an Designation for th	is Property: Villag (Ref	e Center Mixed Use fer to Future Land Use Map)		
For PUD's and Sul No. of Lots/					
Minimum L	ot: Area	Width	Depth		
Average Lot	: Area	Width	Depth		
APPLICANT'S EX	Tim Hoerman, ema	ail@timhoerman.la	wyer		
	630-443-1923	TOL., WESTITION, IL	00000		
Engineer	V3 Companies - B				
	7325 Janes Ave.; V	Voodridge, IL 6051	7		
	630-729-6119				
Other	Harris Architects -Kasey Kluxdall				
	4801 Emerson Ave, suite 210; Palatine, IL				
	847-303-1155		8		

FINDINGS OF FACT FOR SITE PLANS

Both the Plan Commission and Village Board must decide if the requested Site Plan meets the standards established by the Village of Bartlett Zoning Ordinance.

The Plan Commission shall make findings based upon evidence presented on the following standards: (Please respond to each of these standards in writing below as it relates to your case. It is important that you write legibly or type your responses as this application will be included with the staff report for the Plan Commission and Village Board to review.)

1.	The proposed use is a permitted use in the district in which the property is located.
	Yes.
2.	The proposed arrangement of buildings, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses.
	Yes.
3.	The vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well.
	Yes.

FINDINGS OF FACT FOR PLANNED UNIT DEVELOPMENTS

Both the Plan Commission and Village Board must decide if the requested Planned Unit Development meets the standards established by the Village of Bartlett Zoning Ordinance.

The Plan Commission shall make findings based upon evidence presented on the following standards:

th	(Please respond to each of these standards in writing below as it relates to your case. It is important that you write legibly or type your responses as this application will be included with the staff report for the Plan Commission and Village Board to review.)			
1.	The proposed Planned Unit Development is desirable to provide a mix of uses which are in the interest of public convenience and will contribute to the general welfare of the community.			
	Not applicable.			
2.	The Planned Unit Development will not under the circumstances of the particular case be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or be injurious to property value or improvement in the vicinity.			
	Not applicable.			
3.	The Planned Unit Development shall conform to the regulations and conditions specified in the Title for such use and with the stipulation and conditions made a part of the authorization granted by the Village Board of Trustees.			
	Not applicable.			

	e e	
8.	Impact donations shall be paid to the Village in accordance with all applicable Village in effect at the time of approval.	ordinances
	Yes.	
	163.	
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	The state of the s	
9.	. The plans provide adequate utilities, drainage and other necessary facilities.	
7.	. The plans provide adequate diffices, diamage and office hoossary addition	
	Yes.	
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7		
10	0. The plans provide adequate parking and ingress and egress and are so designed as to	minimize
	traffic congestion and hazards in the public streets.	
	Yes.	~
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11	1. The plans have adequate site area, which area may be greater than the minimum in the which the proposed site is located, and other buffering features to protect uses development and on surrounding properties.	e district in within the
	Yes.	
	163,	

FINDINGS OF FACT FOR SPECIAL USES

Both the Plan Commission and Village Board must decide if the requested Special Use meets the standards established by the Village of Bartlett Zoning Ordinance.

The Plan Commission shall make findings based upon evidence presented on the following standards: (Please respond to each of these standards in writing below as it relates to your case. It is important that you write legibly or type your responses as this application will be included with the staff report for the Plan Commission and Village Board to review.)

1. That the proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.

Yes. This will be a desirable, high quality, family friendly facility that will provide public convenience and will contribute and add to the welfare of the neighborhood and community.

2. That such use will not under the circumstances of the particular case be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or be injurious to property value or improvement in the vicinity.

The planned use will not under the circumstances of the particular case be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or be injurious to property value or improvement in the vicinity.

3. That the special use shall conform to the regulations and conditions specified in this Title for such use and with the stipulation and conditions made a part of the authorization granted by the Village Board of Trustees.

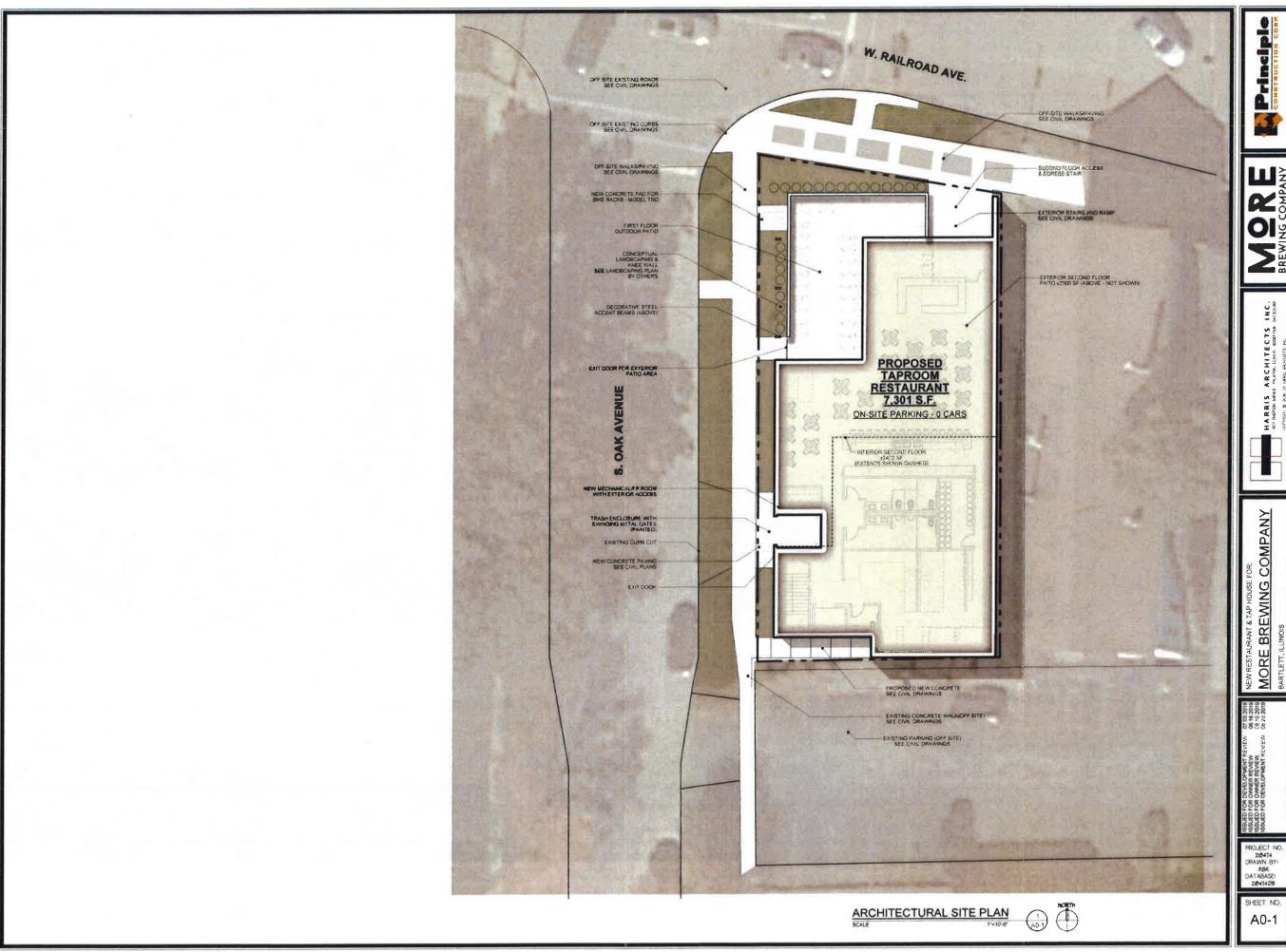
Yes.

- 4. That the alleged difficulty or hardship is caused by the provisions of this Title and has not been created by any person presently having an interest in the property.
 - Correct. The alleged difficulty or hardship is caused by the provisions of this Title and has not been created by any person presently having an interest in the property. The difficulty or hardship is caused by the size of the lot in relation to the proposed use.
- 5. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhoods in which the property is located.
 - Correct. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhoods in which the property is located.
- 6. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.
 - Correct. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.
- 7. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Title to other lands, structures or buildings in the same district.
 - Correct. The granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Title to other lands, structures or buildings in the same district. It is applicable only to this property at issue.

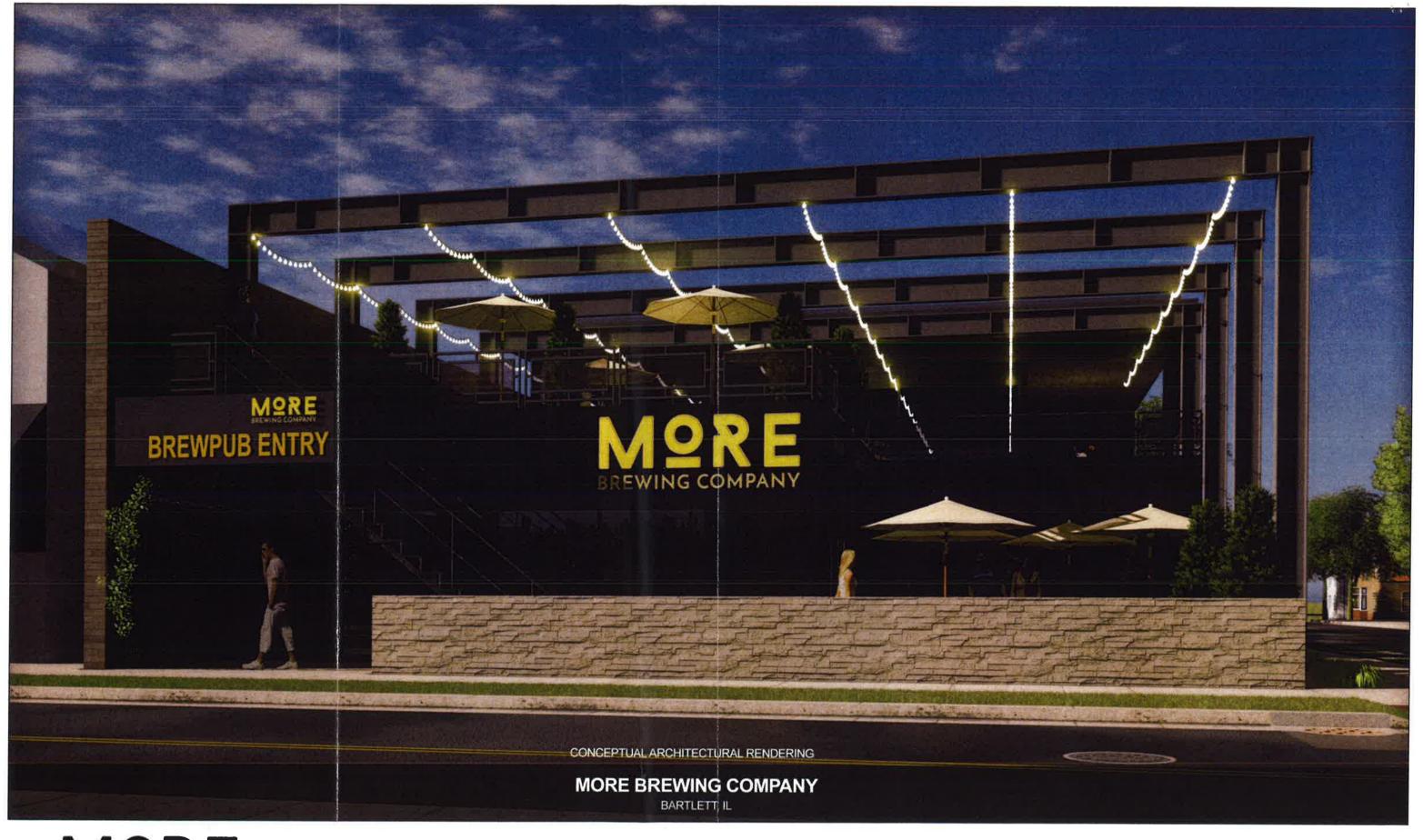
More Brewing

121 W. Railroad Ave. PIN: 06-34-409-001



















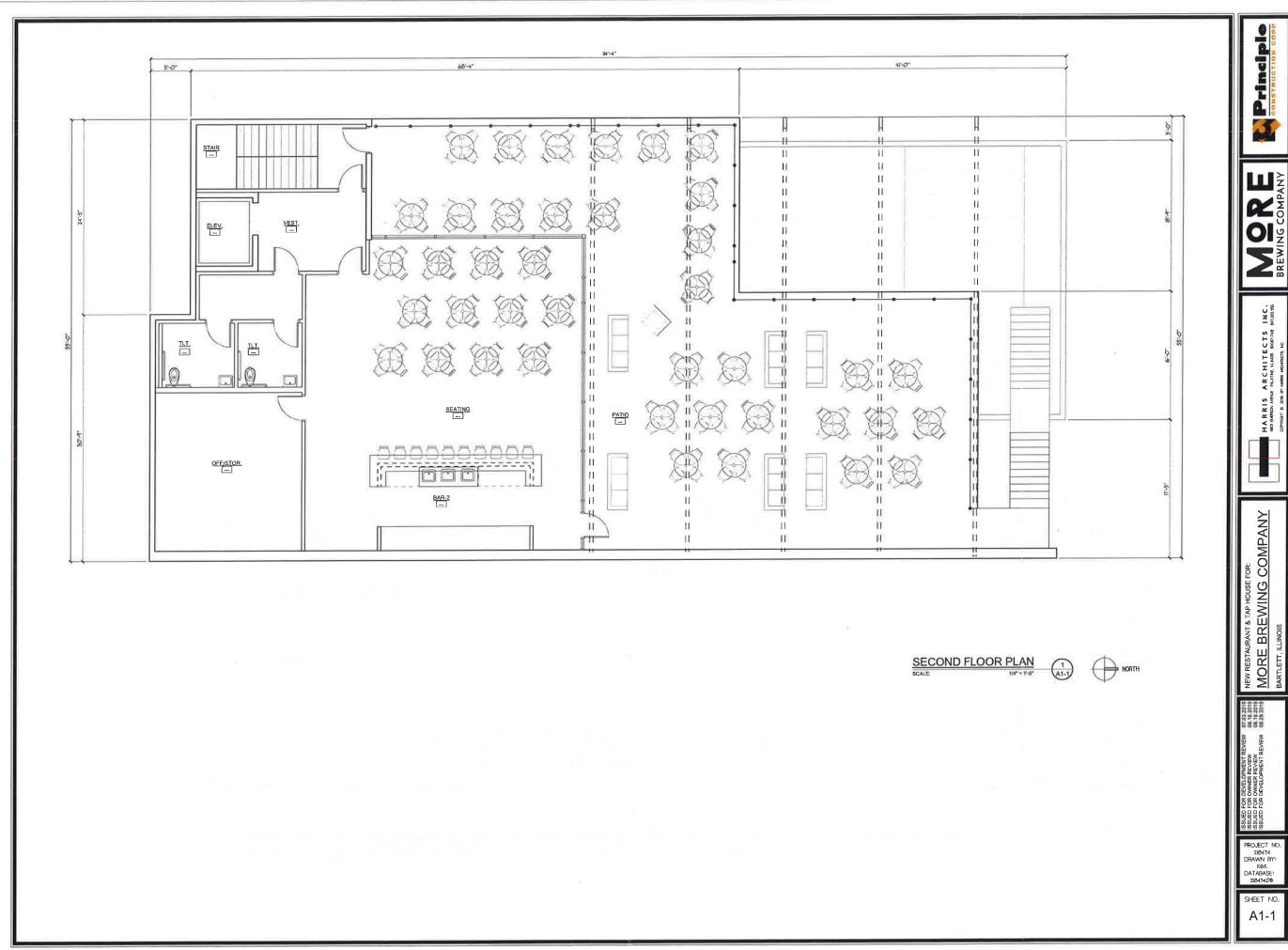
HARRIS ARCHITECTS, INC.



Шž SREWING COMPA

HARRIS ARCHITECTS INC.

PROJECT NO 28414 DRAWN BY: KSK DATABASE: 28414 DS



DOWNTOWN PARKING

