



Village of Bartlett
Plan Commission Meeting Minutes
June 13, 2019

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**.



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**(#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



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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.



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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

Nays: None

Motion carried.



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(#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 NOT allow live entertainment events outdoors. 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, D. Gunsteen, D. Negele and M. Hopkins
Nays: None
Motion carried.

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



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(#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 Maqsood was sworn in by **J. Lemberg**.



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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. Maqsood** 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. Maqsood** 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. Maqsood** if he was aware of any complaints or issues. **S. Maqsood** 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,



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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 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.

Tiffany 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.



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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



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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 9:00PM 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



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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.



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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 discipline 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 discipline 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.