



**VILLAGE OF BARTLETT
ZONING BOARD OF APPEALS
AGENDA
228 MAIN STREET
November 7, 2019**

7:00 P.M.

- I. Roll Call
- II. Approval of the October 3, 2019 meeting minutes
- III. **(#19-12) 120 Live (120 W. Bartlett Avenue)**
Variations:
 - a) A reduction in the required number of off-street parking spaces,
 - b) A reduction of the required open space, and
 - c) An increase in the maximum wall sign square footage allowance**PUBLIC HEARING**
- IV. **(#19-15) 211 Gatewood Lane**
Variation:

To allow a six (6) foot high fence where a 4-foot high fence is permitted

PUBLIC HEARING
- V. **(#19-13) Adult-Use Cannabis**
Text Amendments:
 - a) Definitions: Section 10-2-2
 - b) Prohibited Uses: Commercial Districts: Sections 10-6A-6, 10-6B-6, 10-6C-6, 10-6D-6
 - Adult-use cannabis cultivation center,
 - Adult-use cannabis dispensing center,
 - Adult-use cannabis craft grower,
 - Adult-use cannabis infuser organization or infuser,
 - Adult-use cannabis processing organization or processor,
 - Adult-use cannabis transporting organization or transporter
 - c) Prohibited Uses: Industrial Districts: Sections 10-7A-6, 10-7C-6
 - Adult-use cannabis craft grower,
 - Adult-use cannabis infuser organization or infuser,
 - Adult-use cannabis processing organization or processor,
 - Adult-use cannabis transporting organization or transporter

- d) Prohibited Uses: Public Land District: Section 10- 8A-6
 - Adult-use cannabis cultivation center,
 - Adult-use cannabis dispensing center,
 - Adult-use cannabis craft grower,
 - Adult-use cannabis infuser organization or infuser,
 - Adult-use cannabis processing organization or processor,
 - Adult-use cannabis transporting organization or transporter
- e) Special Uses: Industrial Districts: Sections 10-7A-4 and 10-7C-4
 - Adult-use cannabis cultivation center,
 - Adult-use cannabis dispensing center
- f) Special Uses: Administration and Enforcement: 10-13-8D

PUBLIC HEARING

VI. Old Business/ New Business

VII. Adjournment



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M. Werden called the meeting to order at 7:10 pm.

Roll Call

Present: M. Werden, G. Koziol, B. Bucaro, J. Banno, G. Papa, M. Sarwas and C. Deveaux

Absent:

Also Present: Roberta Grill, Planning & Development Director and Renée Hanlon, Senior Planner

Approval of Minutes

A motion was made to approve the minutes of the September 5, 2019 meeting.

Motioned by: B. Bucaro

Seconded by: G. Koziol

Roll Call

Ayes: G. Koziol, B. Bucaro, J. Banno G. Papa and M. Werden

Nays: None

Abstain: M. Sarwas and C. Deveaux

The motion carried.



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Case (#19-02) Zoning Ordinance Chapter 4: Establishment of Zoning Districts and Chapter 9: Planned Unit Developments

Text and Map Amendments – Downtown Zoning Overlay
(Form Based Code)

PUBLIC HEARING

The following Exhibits were presented:

Exhibit A - Mail Affidavit

Exhibit B - Notification of Publication

R. Grill stated since the adoption of the Transit Oriented Development (TOD) Plan in 2016, Staff has implemented several key recommended strategies in downtown Bartlett. These include: the adoption of the Complete Streets Policy, the establishment of a 25 mph speed limit on downtown streets, a bike rack grant was awarded to the Village that will provide a bike shelter and additional bike racks in downtown around the Metra Station and, most recently, the Village received a grant for ADA improvements, which will include crosswalks to be incorporated in the downtown area.

To continue with the vision of the TOD Plan, the Village applied for and was once again, a recipient of an RTA Grant consisting of \$20,000 (100% provided by the RTA) for the development and creation of a Downtown Zoning Overlay District. The goal of this new district would be to incorporate new walkable, connected, mixed-use developments that would establish a sense of place in the downtown area. This overlay district would amend the current Zoning Ordinance, via a text amendment, to create a downtown overlay with the existing underlying zoning designations remaining intact. The Zoning will not change on anyone's property, just an overlay on the Zoning Map.

Unlike conventional zoning which focuses on the regulation of land uses, a Form-Based Code focuses on regulating the design and placement of the building as well as the street design. It specifically regulates items such as: the placement of buildings on a lot and along a street frontage, building scale, the relationship of buildings to one another, and the relationship between buildings and public spaces, including streets.

Leslie Oberholtzer of Codametrics was the consultant who was contracted by the RTA to draft the new code with input from a 12 member Steering Committee. This Committee included residents of the Village, the RTA, key area stakeholders, an elected official, George Koziol was the representative from the Zoning Board of Appeals and Village Staff. It met regularly for the past year to review and discuss the proposed TOD Zoning Overlay District regulations, to collaborate on key decisions and to ultimately review the interim draft document.

On June 10, 2019 an Open House was held to obtain public input on the draft document. Several business owners and residents attended. All were receptive of the document since the underlying zoning on each of their properties was not changing.

R. Grill stated consultant Leslie Oberholtzer with Codametrics will be joining this meeting by phone, with assistance from Michael Horsting with the RTA.



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L. Oberholtzer stated **R. Grill's** presentation was about the basics process before the Code was started. **L. Oberholtzer** stated that she wanted to skip ahead a little to explain or walk everyone through the draft of the Code.

L. Oberholtzer stated she used the TOD Plan as a guide for writing this Code. There isn't anything that is new or unexpected in the overall goals. The Code is written in a way to result in very predictable development. The idea is, there will be less to negotiate between Staff, Developers and Village Officials as well as residents.

L. Oberholtzer stated the Code is organized as part of section 10-9. This chapter has been reorganized under the section Planned Unit Development and Planned Developments. Within the Overlay District, there are seven (7) sections.

1. Establishment of Overlay and Subareas
2. Administration and Exceptions
3. Building Regulations
4. Building Facades Design
5. General Site Design
6. Master Plan Sites
7. Definitions and Measuring

Establishment of Overlay and Subareas

Subarea 1: Downtown Core. The overlay is applied to the downtown area on top of the current zoning districts. This subarea does not apply to any single family or purely residential zoning districts. This area is around the train station, the tightest, most walkable building forms. This area will have ground floor retail and storefronts with upper story mixes of uses. This is very consistent with the current Town Center buildings.

Subarea 2: Downtown Edge. The downtown edge is intended to transition between the core and the residential neighborhoods adjacent to downtown, reflecting many characteristics of residential houses, such as pitched roofs and landscape yards, yet allowing for redevelopment at an appropriate scale.

Subarea 3: Downtown Residential. The downtown residential subarea is intended to allow a mix of residential buildings, including small apartment buildings, larger residential buildings, and townhouses.

Subarea 4: Commercial Corridor. The commercial corridor subarea is located adjacent to Devon Avenue and is intended to allow single use commercial, mixed-use, with residential or office buildings with both easy pedestrian and vehicular access.

L. Oberholtzer stated the Steering Committee met several times and gave great insight discussing the subareas. All of the images within the slide show are new construction images that may convey the type of development that may happen within the Downtown Core. These are not to be used as code they are just to be used as a representative of the subareas and to convey the type of building that would be expected.



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Administration and Exceptions- this is the section of the code that staff already uses for an administrative site plan review process, with a few adjustments. Added is a Pre-Submittal Conference which is required with the Zoning Administrator for any development or redevelopment within the Downtown Overlay. The Zoning Administrator may require additional staff in attendance.

Planned Unit Developments are not permitted for new development within the downtown overlay. Existing approved planned unit developments and planned developments will continue to be enforced, unless the owner submits a new application.

Minor Design Exceptions from the regulations are defined and may be requested for approval by the Zoning Administrator during the site plan review process.

Major Design Exceptions to any of the overlay regulations may be approved through the Site Plan Review process that is already in effect. If a developer submits an application meeting most of the regulations but asks for major exceptions they will need to go through the Site Plan review process a major exception request before the ZBA for a hearing and approval process.

Building and Siting, this determines where the building is located on the site and where parking is located on the site. It is different for each of the subareas.

Façade requirements are unique in terms of how zoning is typically applied. This is meant to improve the pedestrian area within the downtown so each development relates to the sidewalk. Façade requirements include transparency window amounts, entrances and façade divisions into smaller increments for the pedestrian. Each subarea has different requirements for the amount of glass and roof types.

Cap types or roof types are specified to make buildings more aesthetically pleasing by using a pitched, parapet, flat type and a tower roof. The tower allows for an additional story with a limited footprint.

The Steering Committee had in depth discussion regarding the type of materials that would be acceptable. Brick, concrete masonry, fiber cement board, stone and wood are permitted.

Committee members have written a process of getting new materials approved when they come on the market by coming before the ZBA for use on specific buildings. Staff will determine if it should be added to the code.

Staff organized a table of parking requirements based on the kinds of parking requirements that Staff has been negotiating from past projects. There is also a series of parking credits to be an alternative solution to be submitted as a major design exception, again coming before the ZBA.

Major Site Plans, this is only relevant if there is a significant redevelopment or a large site that can be added on to. This will define block sizes consistent with the downtown. Breaking up large sites



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into smaller sites if they were to be redeveloped and providing open space within them. This will also allow for the subareas to be divided into smaller areas to have a variety of developments.

L. Oberholtzer asked if anyone had any questions or comments.

M. Werden thanked **L. Oberholtzer** for the presentation as well as the handout.

M. Werden asked Staff if they have received any calls on this. **R. Grill** stated, someone came into the Village, asked a few questions. They were told what the form based code was intended to and they seemed fine with it.

B. Bucaro asked if any developers had any comments or what they think of this. **R. Grill** when MoRE Brewing came in which was before this code is adopted, Staff told them what they were working on and showed them the code. They actually had major materials that were prohibited and they changed their plans to meet this code with using higher quality materials. If this code were adopted, they would now meet it. **B. Bucaro** wanted to know if developers thought the code would be too prescriptive that would box themselves into doing what they have to do as opposed to what they want to do. **R. Grill** asked **L. Oberholtzer** if she experienced any push back from developers regarding codes she has crafted from other towns. **L. Oberholtzer** stated no, this code was written to adhere to what is considered to be good development around the region. Developers are glad to have clear directions and only have to do their drawings once and submit them for approval. It's an easier process for them when they understand what is expected upfront. **L. Oberholtzer** stated she has been doing this code for a while and if there was any pushback from developers, they were discussed and that's where the Steering Committee comes in to decide what issues they get pushback from and which are valuable enough to retain in the code.

L. Oberholtzer stated she has an examples from another project in Brookfield. Developers wanted to work there specifically because they had this type of code and didn't need to submit for a Plan Development. Also, **L. Oberholtzer** has worked on other projects that the RTA has supported. In Highwood she has done a project review for them based on a code that she had written. They have had multiple developments based upon the code and it was easier to review with the code than without one.

R. Grill stated she agreed with what **L. Oberholtzer** said. With the MoRE Brewing petition they had to ask for a variation request for the number of parking spaces. According to existing code they would have had to have 132 parking spaces, but with the Form Based Code that would need only 20. This Form Based Code would have eliminated some variations requests which developers are very happy about. Permits and the general process is much faster, they are in favor of this. **G. Koziol** stated with this code a developer will have a general idea of what is expected and will speed up the process. Or, a developer can make an appeal for a request if they wish.

M. Werden stated with MoRE Brewing he was shocked as to the amount of space they would be taking on the lot. Referring to the handout, "Up to 10 percent increase in total impervious coverage, not to exceed the total amount of permitted impervious plus semi-pervious coverage. (Compliance with storm water regulations is required.)" **M. Werden** stated they have addressed



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things such as this such as with CVS having to have storm water holding on site because it was a low lying area. **R. Grill** stated two additional pages that were handed out, show the impervious coverage has been omitted from the code. **R. Grill** stated the Village attorney added conditions and standards for the major exceptions if they come before the ZBA, to administer the ruling.

M. Werden opened the Public Hearing portion of the meeting. No one came forward.

M. Werden asked if there were any further discussions or motions. **G. Koziol** stated he would like to compliment **L. Oberholtzer** for the hard work that was done helping the Committee get to this level of document, high quality and what this will mean for the Village. **M. Werden** stated he agreed this will expedite the process. Years ago ZBA stated they would not have any objections if staff were to do minor approvals instead of making people come before the ZBA and have to wait for the hearing. This addresses a lot of that. **G. Koziol** stated he was impressed by the quality of the work that was done by **L. Oberholtzer** for the Village, this document could not have been done without her help.

C. Deveaux asked why glass block windows are prohibited since his 90 year old home has glass blocks. **L. Oberholtzer** stated glass block is a material that is not typical of the traditional building forms that are in the Bartlett area. They are often used on the front façade of buildings to let light in but what it does do is mask activities on either side of the glass blocks. It's prohibited on the street façade of the building but can be used anywhere else on the building. It's also for people on the street to know there is activity inside the building and for the visibility for people to look out to see what is going on the street as well. Visibility and Transparency is what keeps areas active and vibrant.

M. Werden asked if there were any further discussions or motions

G. Koziol made a motion to pass along a positive recommendation to the Village Board to approve case #19 - 02 Zoning Ordinance Chapter 4: Establishment of Zoning Districts and Chapter 9: Planned Unit Developments including the map amendments.

Motioned by: **G. Koziol**

Seconded by: **J. Banno**

M. Werden closed the Public Hearing portion of the meeting.

Roll Call

Ayes: G. Papa, B. Bucaro, J. Banno, M. Werden, G. Koziol, M. Sarwas and C. Deveaux

Nays: None

The motion carried.

R. Grill introduced **Michael Horsting** from the RTA which the Village received the grant from. **M. Horsting** stated it was their pleasure to work with the Village of Bartlett and had a great working partnership developing the downtown TOD Plan.



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Old Business/ New Business

R. Grill stated we have new members on the ZBA, **Charlie Deveaux** and **Michelle Sarwas**, now we have a full ZBA board. A contact list will be emailed.

R. Grill stated the Village Board has asked Staff to draft an Ordinance amending fence heights on major arterial streets to allow 6 foot fences without coming in for a variance request. This is still in the works.

M. Werden asked if there was a motion to adjourn.

Motioned by: G. Koziol

Seconded by: C. Deveaux

Motion passed by unanimous voice vote.

The meeting was adjourned at 7:55 P.M.

COMMUNITY DEVELOPMENT MEMORANDUM
19-166

DATE: November 1, 2019
TO: The Chairman and Members of the Zoning Board of Appeals
FROM: Renee Hanlon, Senior Planner *RH*
RE: **(#19-12) 120 Live (120 W Bartlett Avenue)**

PETITIONER

Mary Ann Bollman and Dana Bollman, property owners and business operators

SUBJECT SITE

120 W Bartlett Avenue (north side of Bartlett Avenue between Oak and Eastern Avenues)

REQUESTS

Petitioner requests the following **Variations**:

- a) A reduction in the required number of off-street parking spaces,
- b) A reduction of the required open space, and
- c) An increase in the maximum wall sign square footage allowance

EXISTING AND PROPOSED CONDITIONS

	<u>Land Use</u>	<u>Comprehensive Plan</u>	<u>Zoning</u>
Subject Site	Vacant Office	Commercial	B-1
North	Commercial	Commercial	B-1
South	Railroad Tracks	Commercial	B-1
East	Commercial	Commercial	B-1
West	Commercial	Commercial	B-1

DISCUSSION

1. The Petitioner is requesting a Site Plan Review to establish a restaurant in the existing building and to improve the site with a fenced outdoor dining area on the west side of the building. (*The Plan Commission will review this request at their meeting on November 14, 2019*)
2. The Petitioner is also requesting Special Use Permits to establish a restaurant serving alcohol, an outdoor dining area, and live entertainment both indoors and outdoors. (*The Plan Commission will review this request at their meeting on November 14, 2019*)

3. This lot is improved with a building approximately 3,000 square feet in area. Three (3) off-street parking spaces are located on the lot between the rear of the building and E Oneida Avenue. The proposed redevelopment plan maintains these off-street parking spaces.
4. The interior of this building will be substantially renovated to create a sit down restaurant and entertainment area where activities such as karaoke will be offered. The exterior will be improved with an outdoor dining area immediately adjacent to the building, improvements to the front façade, including the installation of new lighting and signage, a new dumpster enclosure at the rear of the building, and on-site landscape improvements. The outdoor seating area will be enclosed by an eight foot (8') tall composite fence that has a gray stone appearance around three sides with an open picket style aluminum fence along the Bartlett Avenue sidewalk. This fence design will provide an open view of the outdoor seating area along the Bartlett Avenue sidewalk.
5. The anticipated hours of operation for this business are from 10 a.m. until 1:00 a.m. week nights and 10:00 a.m. until 2:00 a.m. Friday and Saturday. The petitioner understands that the hours of operation may be limited by conditions of a Special Use Permit and/or Liquor License. Staff recommends limiting the hours of outdoor entertainment to be consistent with the Village amplifier regulations (BMC Title 3 Chapter 22). Staff recommends that all outdoor entertainment end before 11:00 p.m. Monday through Saturday and before 10:00 p.m. on Sunday.
6. The Petitioner is requesting the following **Variations**:
 - A. A 94% reduction in the number of off-street parking spaces required (BMC 10-11-1-6 Spaces Required). The Zoning Ordinance requires 46 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 area, plus one (1) space for each three (3) employees at peak shift. The proposed floor plan indicates a total of 122 seats and the Petitioner anticipates a maximum of 15 employees at peak shift. Three (3) off-street parking spaces will be maintained on the site. 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.
 - B. An approximately 99% 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 proposes to maintain large planters on the patio, planters along the Oneida Avenue lot line, and the existing landscaping between the new patio area and the West Bartlett Avenue sidewalk.
 - C. An increase in the amount of wall signage (BMC 10-12-9 Allowable Sign Area). The Zoning Ordinance allows wall signage at one (1) square foot of sign for each one (1) linear foot of building width along a public street. For this building, a maximum of twenty-two (22) square feet of wall signage is allowed on the front façade and twenty-seven (27) square feet of wall signage on the rear façade. The petitioner is requesting sixty (60) square feet of wall signage on the front façade.

7. The Village of Bartlett in association with the Regional Transportation Authority (RTA) 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. 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 8 off-street parking spaces compared to the current Zoning Ordinance which requires 46 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 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

According to the provisions of the Zoning Ordinance, the Zoning Board of Appeals should render a decision based upon the following:

- A. That the particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
- B. That conditions upon which the petition for a variation is based are unique to the property for which the variations are sought and are not applicable, generally, to other property within the same zoning classifications.
- C. That the purpose of the variation is not based exclusively upon a desire to make money out of the property.
- D. That the alleged difficulty or hardship is caused by the provision of this Title and has not been created by any person presently having an interest in the property.
- E. 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.
- F. 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.

- G. 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.

A variation shall be recommended only if the evidence, in the judgment of the Zoning Board of Appeals, sustains all the conditions enumerated above.

Background materials are attached for your review and consideration.

RWH/attachments

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Kevin Wallace, Board President &
Board of Trustees
Village of Bartlett

August 29, 2019

RE: 120 West Bartlett Avenue

At 120 W. Bartlett Ave., we would like to develop a family-friendly restaurant and social gathering establishment that offers many entertainment options.

Options we would like to offer include a menu of our homemade special recipe pizzas, chicken wings & other appetizers, pub burgers, sandwiches to mention a few, along with weekly specials. We would also like to offer a full bar including beer, wine and spirits.

Entertainment would include live bands, karaoke, trivia nights, music bingo and gaming machines.

This project includes a large outdoor seating area patio that can be utilized for many purposes including enjoying a pizza or sandwich, watching a sporting event, live entertainment or just socializing outdoor with family and friends.

For this project, we are requesting the following variations: outdoor seating that would include a bar and table seating.

A liquor license to allow us to serve a variety of beer, wine & spirits indoor and outdoor.

The option to have live entertainment indoor and outdoor to include live bands, karaoke and trivia.

An 8-foot fence around the entire outdoor seating area for safety, security and noise control. The fence we would like to use is a vinyl faux brick material that will need little maintenance and will last for years to come.

We are also requesting permission for our patrons to utilize Village parking around 120 W. Bartlett Ave.

We thank you for this opportunity to bring our business to Bartlett and look forward to serving the Bartlett community.

Dana Ballman



VILLAGE OF BARTLETT DEVELOPMENT APPLICATION

For Office Use Only

Case # 19-12

RECEIVED
COMMUNITY DEVELOPMENT
(Village Stamp)
8/28/19

VILLAGE OF
BARTLETT

PROJECT NAME 120 West Bartlett

PETITIONER INFORMATION (PRIMARY CONTACT)

Name: Mary Ann Bollman & Dana Bollman

Street Address: _____

City, State: _____

Zip Code: _____

Email Address: _____

Phone Number: _____

Preferred Method to be contacted: See Dropdown

PROPERTY OWNER INFORMATION

Name: Mary Ann Bollman LLC

Street Address: _____

City, State: _____

Zip Code: _____

Phone Number: _____

OWNER'S SIGNATURE: Dana Bollman **Date:** 8/28/19
(OWNER'S SIGNATURE IS REQUIRED or A LETTER AUTHORIZING THE PETITION SUBMITTAL.)

ACTION REQUESTED (Please check all that apply)

- Annexation
- PUD (preliminary)
- PUD (final)
- Subdivision (preliminary)
- Subdivision (final)
- Site Plan (please describe use: commercial, industrial, square footage):
establish restaurant on developed lot
- Unified Business Center Sign Plan
- Other (please describe) 8 foot fence around outdoor seating area & 60 square foot signage on front of the building
- Text Amendment
- Rezoning See Dropdown to See Dropdown
- Special Use for: outdoor seating, alcohol sales, live entertainment inside and out
- Variation: number of required parking spaces & percentage open space required

SIGN PLAN REQUIRED? See Dropdown

(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 INFORMATION

Common Address/General Location of Property: 120 W. Bartlett

Property Index Number ("Tax PIN"/"Parcel ID"): 06-34-405-018-000

Zoning: Existing: B-1
(Refer to Official Zoning Map)

Land Use: Existing: Commercial

Proposed: B-1

Proposed: Commercial

Comprehensive Plan Designation for this Property: Commercial
(Refer to Future Land Use Map)

Acreage: _____

For PUD's and Subdivisions:

No. of Lots/Units: _____

Minimum Lot: Area _____ Width _____ Depth _____

Average Lot: Area _____ Width _____ Depth _____

APPLICANT'S EXPERTS (If applicable, including name, address, phone and email)

Attorney

Engineer

Other

FINDINGS OF FACT (Standards)

The Village of Bartlett Zoning Ordinance requires that certain findings of fact, or standards, must be met before a special use permit, variation, site plan or planned unit development may be granted. Each application for a hearing before the Plan Commission or Zoning Board of Appeals for a special use, variation, site plan or planned unit development must address the required findings of fact for each particular request. The petitioner should be aware that he or she must present specific testimony at the hearing with regards to the findings. **(On the following pages are the findings of fact, or standards, to be met. Please respond to each standard, in writing, as it relates to the case.)**

****PLEASE FILL OUT THE FOLLOWING FINDINGS OF FACT AS THEY
RELATE TO YOUR PETITION****

Findings of Fact for **Site Plans**: Pages 4-5

Findings of Fact for **Planned Unit Developments**: Pages 6-9

Findings of Fact for **Special Uses**: Page 10

Findings of Fact for **Variations**: Pages 11-12

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. Same arrangement as other properties on block.

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. No changes to ingress or egress anticipated.

4. The site plan provides for the safe movement of pedestrians within the site.

Yes. No changes to pedestrian ways are proposed.

5. There is 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 and will provide a pleasing appearance to the public. Any part of the site plan area not used for buildings, structures, parking or accessways shall be landscaped with a mixture of grass, trees and shrubs. (All landscape improvements shall be in compliance with Chapter 10-11A, Landscape Requirements)

Yes. Existing landscaped area on the perimeter of the property will be maintained.

6. All outdoor storage areas are screened and are in accordance with standards specified by this Ordinance.

No outdoor storage is proposed.

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: **(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.

Yes. Redeveloping this property with an active use will contribute to the neighborhood.

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.....

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.

Yes. Redeveloping this property will improve the neighborhood.

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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.

Yes. Business will be operated in compliance will all applicable laws.

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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. Redeveloping this property with an active use will contribute to the neighborhood.

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.

Yes. Redeveloping this property will improve the neighborhood.

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. Business will be operated in compliance with all applicable laws.

FINDINGS OF FACT FOR VARIATIONS

Both the Zoning Board of Appeals and the Village Board must decide if the requested variation is in harmony with the general purpose and intent of the Zoning Ordinance and if there is a practical difficulty or hardship in carrying out the strict letter of the regulations of the Zoning Ordinance.

The Zoning Board of Appeals 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 ZBA and Village Board to review.)**

1. That the particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

Hardship is created due to the limited size of developed lot.

.....

.....

.....

.....

2. That conditions upon which the petition for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property within the same zoning classifications.

Historic downtown area pattern relies upon public parking which is readily available.

.....

.....

.....

3. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property.

True.

.....

.....

.....

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.

True.

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.

True.

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.

True.

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.

Other properties have received same variation.

ACKNOWLEDGEMENT

I understand that by signing this form, that the property in question may be visited by village staff and Board/Commission members throughout the petition process and that the petitioner listed above will be the primary contact for all correspondence issued by the village.

I certify that the information and exhibits submitted are true and correct to the best of my knowledge and that I am to file this application and act on behalf of the above signatures.

Any late, incomplete or non-conforming application submittal will not be processed until ALL materials and fees have been submitted.

SIGNATURE OF PETITIONER: Dana Bollman

PRINT NAME: Mary Ann Bollman LLC

DATE: 8/28/19

REIMBURSEMENT OF CONSULTANT FEES AGREEMENT

The undersigned hereby acknowledges his/her obligation to reimburse the Village of Bartlett for all necessary and reasonable expenses incurred by the Village for review and processing of the application. Further, the undersigned acknowledges that he/she understands that these expenses will be billed on an ongoing basis as they are incurred and will be due within thirty days. All reviews of the petition will be discontinued if the expenses have not been paid within that period. Such expenses may include, but are not limited to: attorney's fees, engineer fees, public advertising expenses, and recording fees. Please complete the information below and sign.

NAME OF PERSON TO BE BILLED: Mary Ann Bollman LLC

ADDRESS: [REDACTED]
[REDACTED]

PHONE NUMBER: [REDACTED]

EMAIL: [REDACTED]

SIGNATURE: Dana Bollman, Manager

DATE: 8/28/19

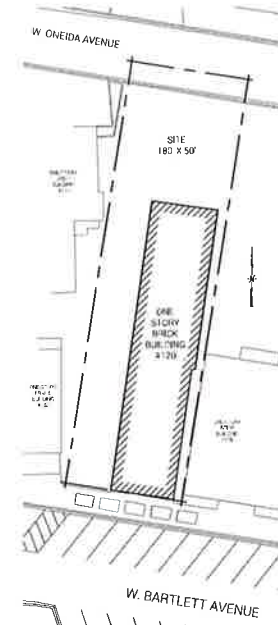
120 W. Bartlett Ave.

PIN: 06-34-405-018



BAR / MUSIC VENUE

120 BARTLETT AVENUE BARTLETT, ILLINOIS 60103



GENERAL NOTES

SITE VERIFICATION
GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL EXAMINE THOROUGHLY THE SITE AND SATISFY THEMSELVES AS TO THE CONDITIONS TO WHICH THE WORK IS TO BE PERFORMED. THE CONTRACTOR SHALL VERIFY AT THE SITE ALL MEASUREMENTS AFFECTING HIS WORK AND SHALL BE RESPONSIBLE FOR THE CORRECTNESS OF THE SAME. NO EXTRA COST TO THE OWNER WILL BE ALLOWED RESULTING FROM HIS NEGLIGENCE TO EXAMINE OR FAILURE TO DISCOVER CONDITIONS AFFECTING HIS WORK.

MEASUREMENTS
CONTRACTOR SHALL VERIFY ALL DIMENSIONS SHOWN ON THE DRAWINGS BY TAKING FIELD MEASUREMENTS FOR PROPER FIT AND ATTACHMENT OF ALL PARTS IS REQUIRED. SHOULD THERE BE ANY DISCREPANCIES, IMMEDIATELY REPORT TO THE ARCHITECT IN WRITING PRIOR TO COMMENCEMENT OF ANY RELATED WORK. IN THE EVENT OF THE CONTRACTOR'S FAILURE TO DO SO, THE CONTRACTOR SHALL BE FULLY AND SOLELY RESPONSIBLE FOR THE CORRECTION OR ADJUSTMENT OF ANY SUCH RELATED WORK OR ERRORS.

DIMENSIONS
DO NOT SCALE THESE DRAWINGS. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DRAWINGS.

DISCREPANCIES
MINOR DISCREPANCIES BETWEEN THE DRAWINGS AND ACTUAL CONDITIONS ARE TO BE EXPECTED. CONDITIONS REQUIRING CLARIFICATION SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT IMMEDIATELY.

MANUFACTURER'S SPECIFICATIONS
CONTRACTOR AND ALL SUBCONTRACTORS SHALL INSTALL OR APPLY, AND PROTECT ALL PRODUCTS, MATERIALS, PROCESSES, METHODS, COATINGS, EQUIPMENT, APPLIANCES, HARDWARE, SOFTWARE, ETC. IN STRICT ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS, DETAILS & INSTRUCTIONS. TYPICAL ALL MANUALS OR INSTRUCTIONS PROVIDED BY THESE MANUFACTURERS FOR PROPER OPERATION AND MAINTENANCE OF THE ABOVE ARE TO BE DELIVERED TO THE OWNER AT THE COMPLETION AND FINAL INSPECTION OF THE PROJECT.

WINDOWS AND DOORS
CONTRACTOR SHALL VERIFY THE QUANTITY, ROUGH OPENINGS AND TYPES OF DOORS AND WINDOW AND DOOR SCHEDULES IN RELATION TO FRAMING PER FIELD PRIOR TO ORDERING. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT IMMEDIATELY.

OCCUPANCY

14	FRONT BAR
32	FRONT TABLES
20	PATIO BAR
28	PATIO TABLES
20	MUSIC BAR/RAIL
18	MUSIC TABLES
132	TOTAL SEATING

SHEET INDEX

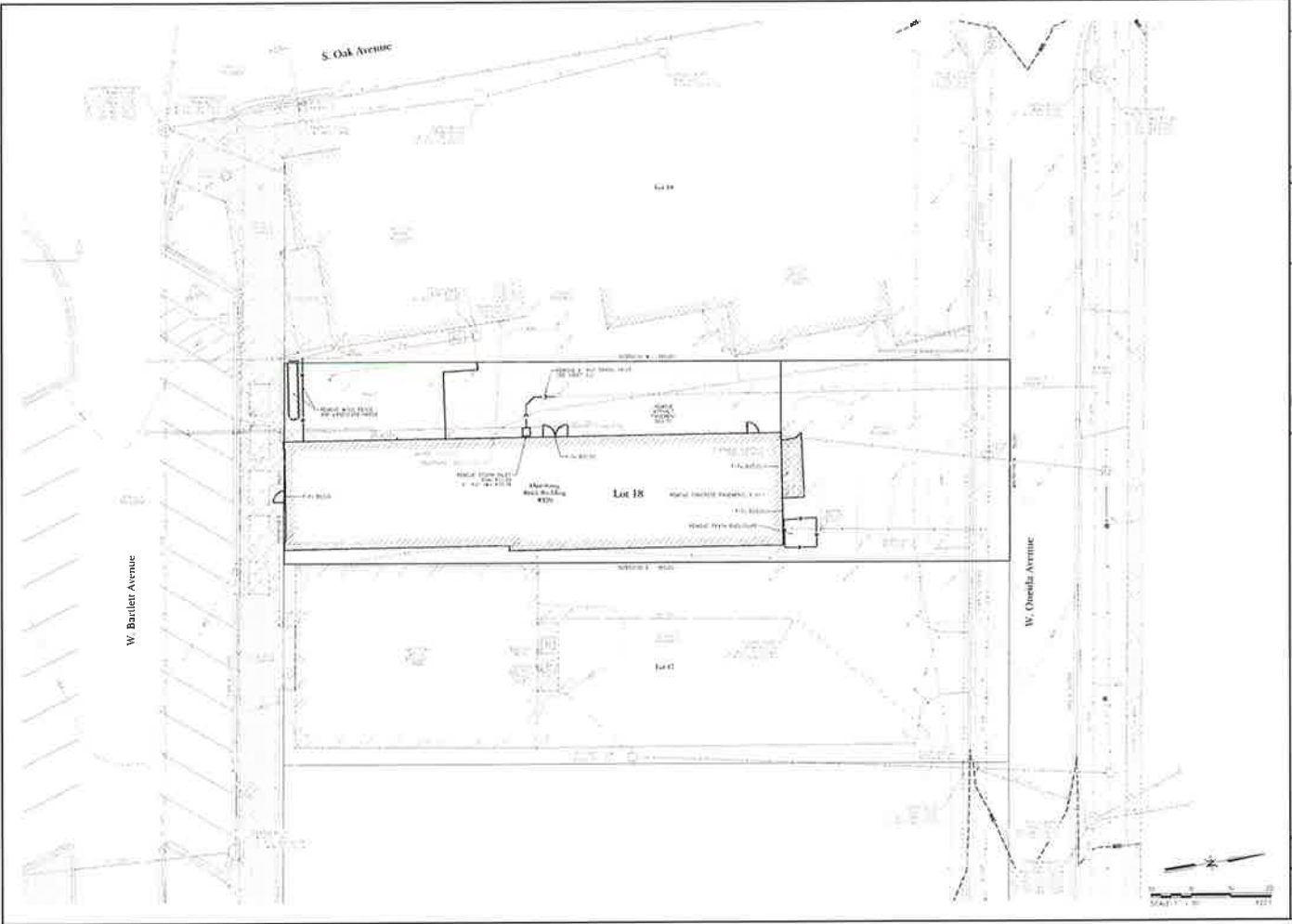
G001	COVER SHEET
C001	SITE CONDITIONS
C002	SITE IMPROVEMENTS
L101	SITE PLAN
L401	FENCING DETAILS
A101	FLOOR PLAN
A102	KITCHEN PLAN
A201	EXTERIOR ELEVATIONS
A501	EXTERIOR SIGNAGE



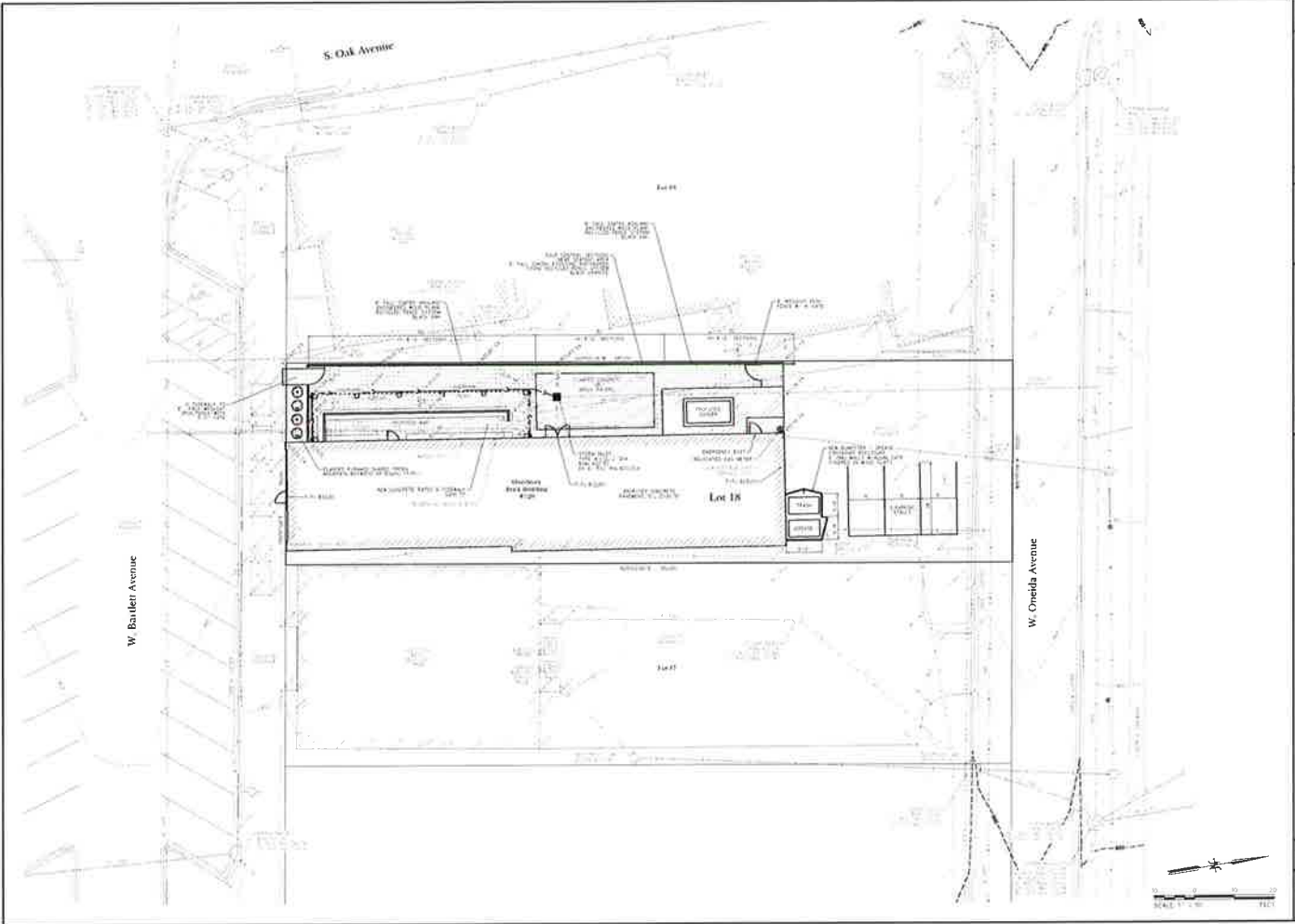
BAR / MUSIC VENUE
120 W BARTLETT AVE, BARTLETT, IL 60103

DATE PLOTTED
10 OCT 2019

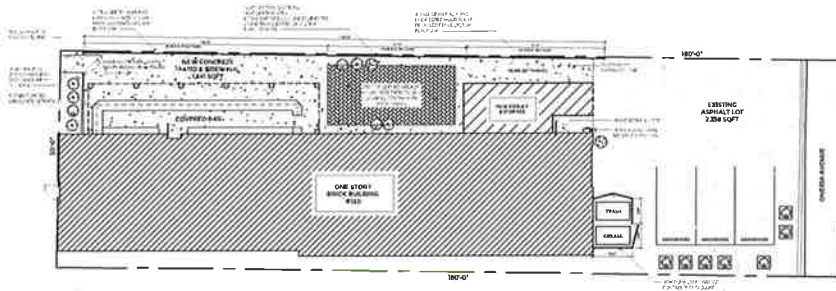
G001



<p>120 S. Bartlett Avenue Site Improvements Existing Conditions Bartlett, Cook County, Illinois</p>	
<p>Project No. 120SBA</p>	<p>Scale: 1" = 10'</p>
<p>Date: 08/20/10</p>	<p>Sheet: C.1</p>



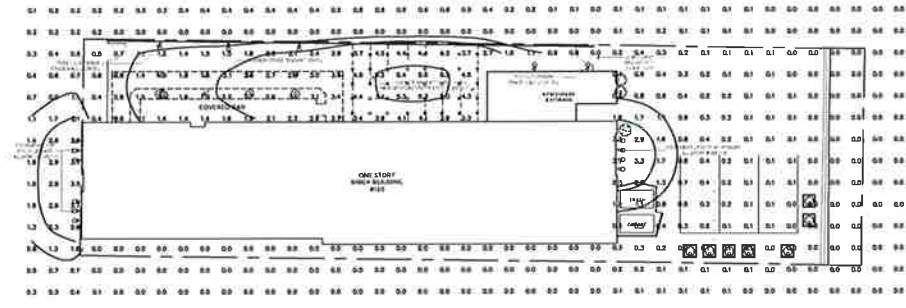
<p>120 S. Bartlett Avenue Site Improvements Proposed Site Improvements Bartlett, Cook County, Illinois</p>	
<p>Project No. 20-001</p>	<p>Client: [Redacted]</p>
<p>Date: 08/20/2020</p>	<p>Scale: 1" = 20'</p>
<p>C-2</p>	



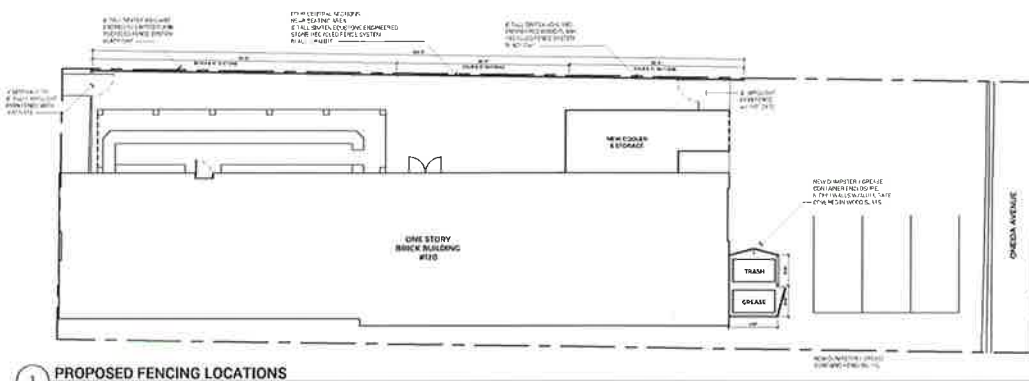
IMPERVIOUS SURFACE CALCULATIONS

	EXISTING
	$\frac{770 \text{ SQFT}}{9,000 \text{ SQFT}} = 8.6\%$
	PROPOSED
	$\frac{78 \text{ SQFT}}{9,000 \text{ SQFT}} = 0.8\%$

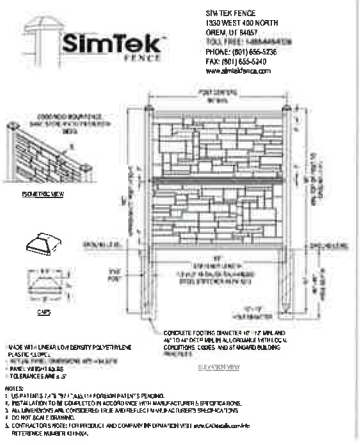
1 SITE PLAN
 SCALE: 1/8"=1'-0"



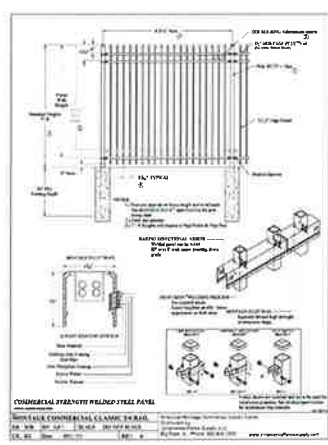
2 EXTERIOR PHOTOMETRIC LIGHTING PLAN
 SCALE: 1/8"=1'-0"



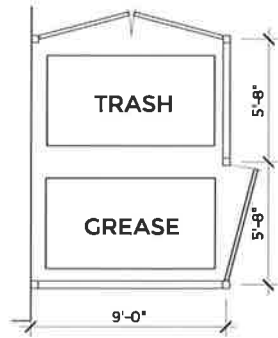
1 PROPOSED FENCING LOCATIONS
 SCALE: 1/8" = 1'-0"



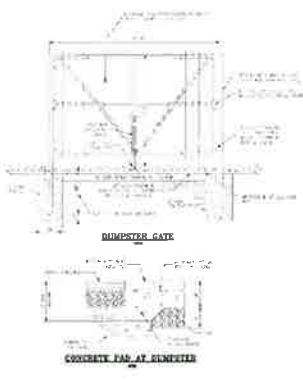
2 FENCING DETAILS
 SCALE: 1/8" = 1'-0"



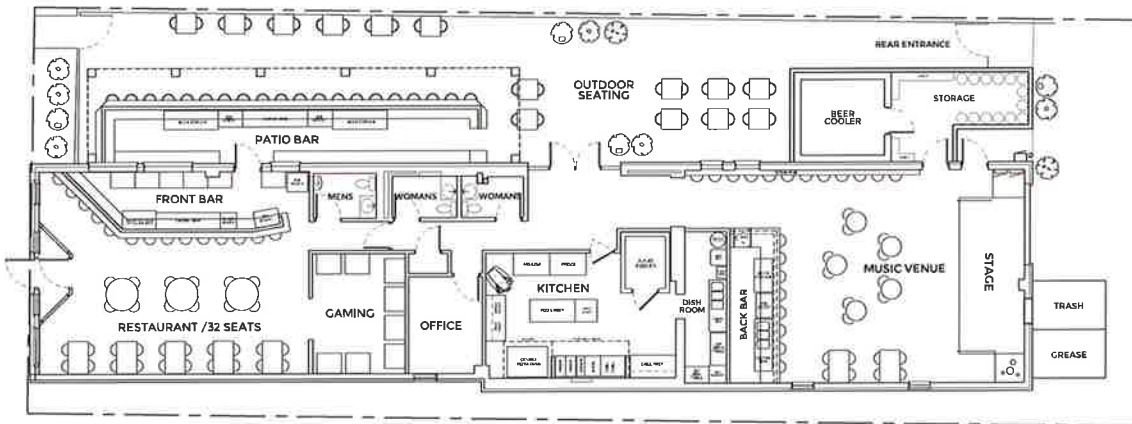
3 FENCING DETAILS
 SCALE: 1/8" = 1'-0"



4 TRASH ENCLOSURE
 SCALE: 1/8" = 1'-0"



5 ENCLOSURE DETAILS
 SCALE: 1/8" = 1'-0"



1 PROPOSED FLOOR PLAN
SCALE: 3/16" = 1'-0"

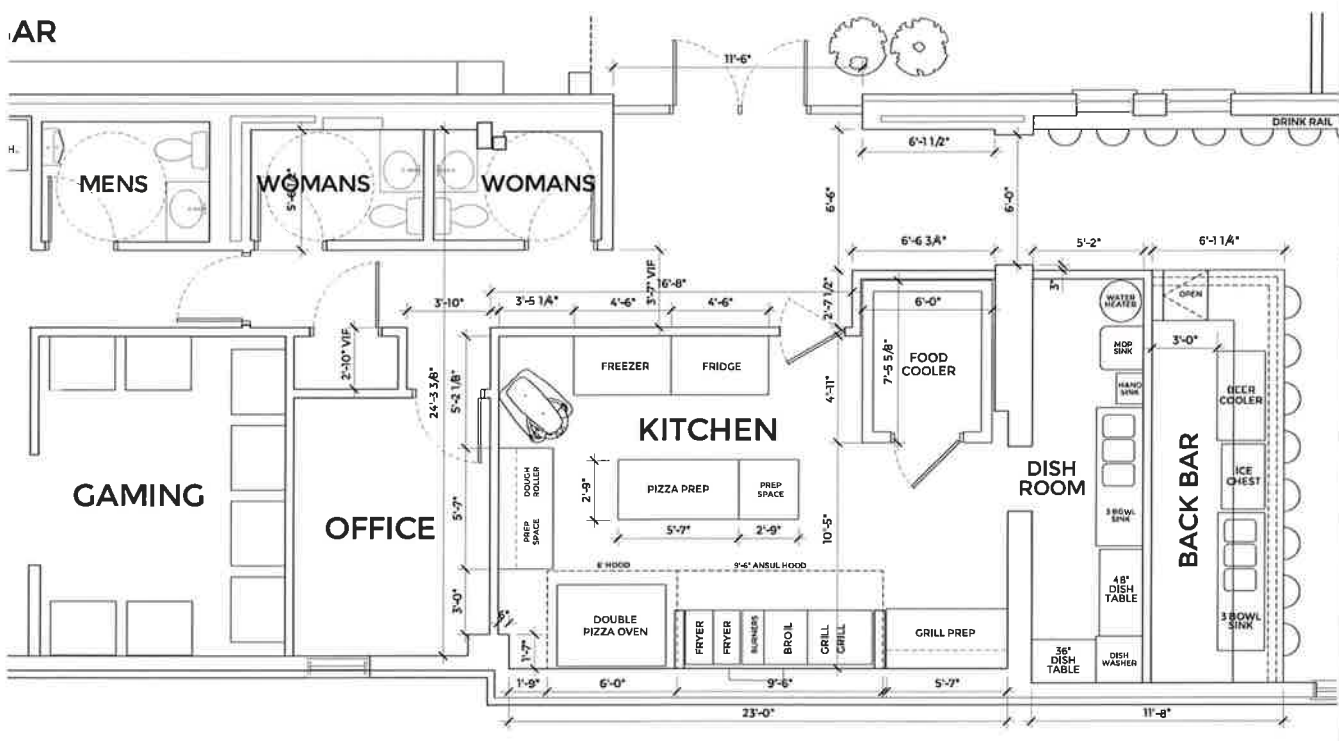


BAR / MUSIC VENUE
120 W. BARTLETT AVE
BARTLETT, ILLINOIS 60103

KITCHEN / WASHROOMS
ENLARGED PLANS

10 OCT 2019

A102

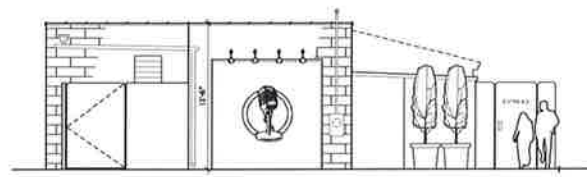


AR

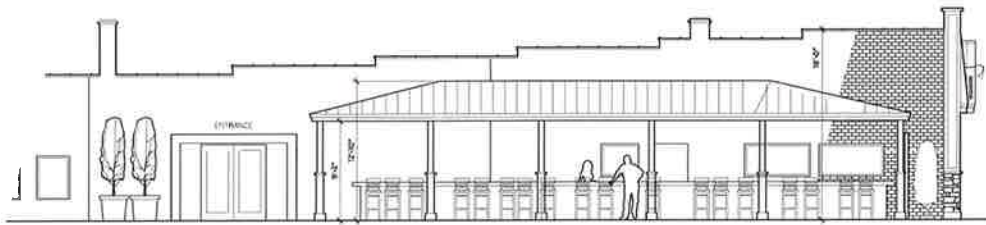
1 PROPOSED FLOOR PLAN
SCALE: 1/8" = 1'-0"



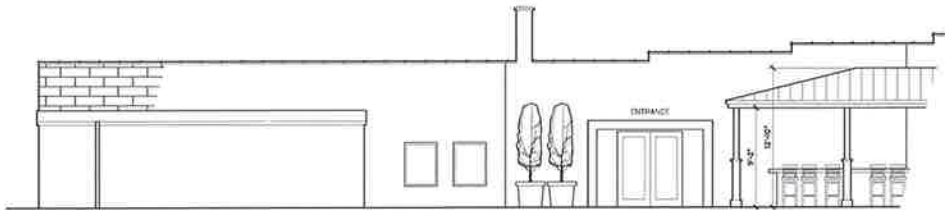
1 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



2 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



3A WEST ELEVATION / FRONT
SCALE: 1/4" = 1'-0"



3B WEST ELEVATION / REAR
SCALE: 1/4" = 1'-0"



BAR / MUSIC VENUE
120 W BARTLETT AVE
BARTLETT, ILLINOIS 60103

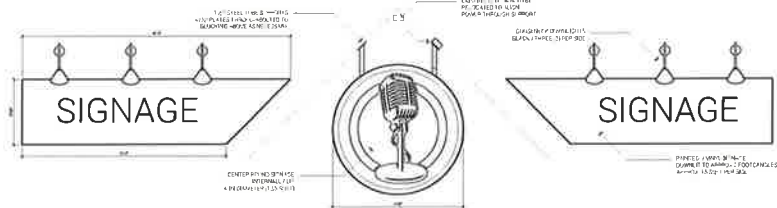
EXTERIOR ELEVATIONS
PROPOSED

DATE OF SHEET
10 OCT 2019

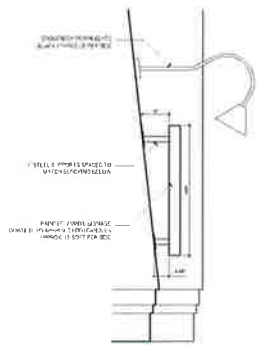
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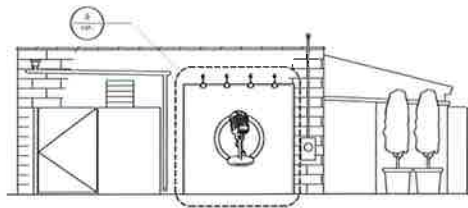
1 SOUTH (FRONT) SIGNAGE
SCALE: 1/8" = 1'-0"



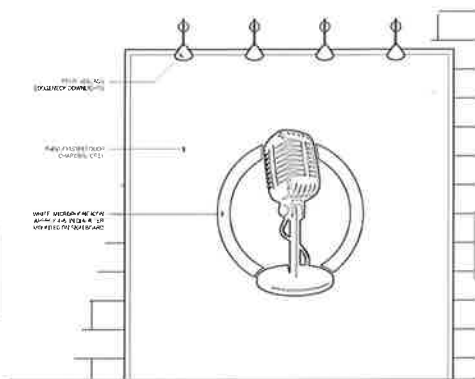
2 SOUTH (FRONT) SIGNAGE DETAILS
SCALE: 3/8" = 1'-0"



3 SOUTH (FRONT) SIGNAGE DETAIL
SCALE: 1/8" = 1'-0"

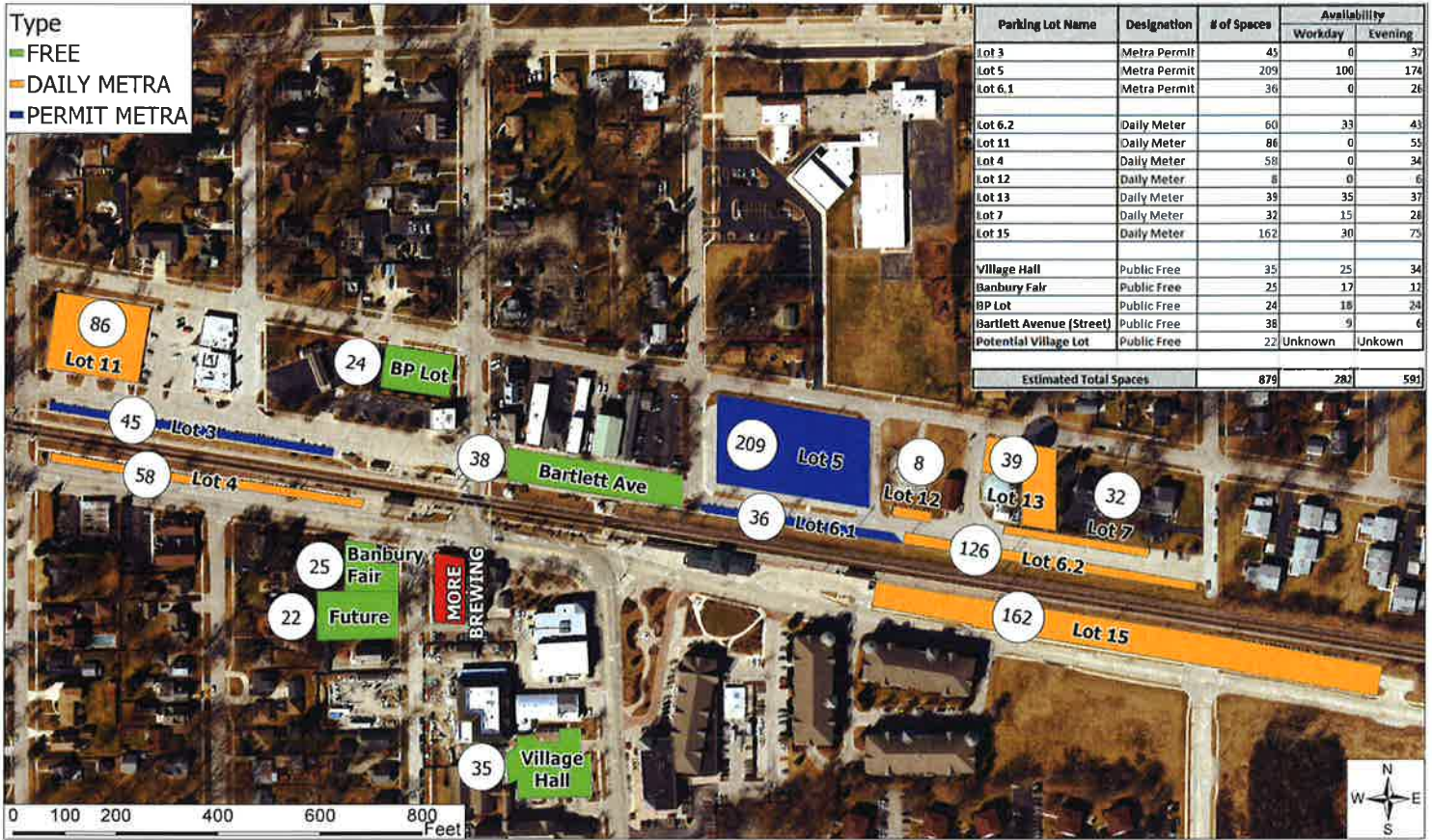


4 NORTH (REAR) SIGNAGE
SCALE: 1/8" = 1'-0"



5 NORTH (REAR) SIGNAGE DETAILS
SCALE: 3/8" = 1'-0"

DOWNTOWN PARKING



COMMUNITY DEVELOPMENT MEMORANDUM
19-170

DATE: October 24, 2019
TO: The Chairman and Members of the Zoning Board of Appeals
FROM: Kristy Stone, Assistant Village Planner 
RE: **(#19-15) 211 Gatewood Lane**

PETITIONER

Blazej & Bozena Strozik

SUBJECT SITE

211 Gatewood Lane, Lot 273 in Fairfax Crossing, Unit No. 4

REQUESTS

Variation - to allow a six (6) foot high fence where a 4-foot high fence is permitted

SURROUNDING LAND USES

	<u>Land Use</u>	<u>Comprehensive Plan</u>	<u>Zoning</u>
Subject Site	Single Family	Suburban Residential	PD
North	Single Family	Suburban Residential	PD
South	Single Family	Suburban Residential	SR-2
East	Single Family	Suburban Residential	PD
West	Open Space	Open Space	P-1

DISCUSSION

1. The subject property is zoned PD (Planned Development). The house was built in 1991.
2. The Petitioner is requesting a 2-foot variation to allow a six (6) foot high fence where a 4-foot high fence is permitted in the corner side yard (Gerber Rd).
3. The proposed wood privacy fence would replace the existing 3-foot high wood fence that is in disrepair. The existing fence was issued a permit in 1995 and is

located at the property line. The proposed 6-foot tall fence will be setback 10 feet east of the corner side property line.

4. The 6-foot tall fence along Gerber Road will stop at the retaining wall and the fence along the rear property line will be extended towards Gerber Road. Due to the retaining wall there will be a small gap between the two fences.
5. The impervious surface ratio of this lot is currently 22% which meets the 35% maximum impervious surface for a lot of this size.
6. The Village Engineer has approved the location of the fence within the Sanitary Sewer Easement provided that 1) the fence be located at least 5 feet from the sanitary manhole near the southwest corner of the lot and 2) that if maintenance is required on the sewer, the fence needs to be removed and replaced at the owner's expense.
7. If the variation is approved, the Petitioner could then apply for a building permit for the proposed fence.

RECOMMENDATION

According to the provisions of the Zoning Ordinance, the Zoning Board of Appeals should render a decision based upon the following:

- A. That the particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
- B. That conditions upon which the petition for the variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property within the same zoning classifications.
- C. That the purpose of the variation is not based exclusively upon a desire to make money out of the property.
- D. That the alleged difficulty or hardship is caused by the provision of this Title and has not been created by any person presently having an interest in the property.
- E. 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.

- F. 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.

- G. 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.

A variation shall be recommended only if the evidence, in the judgment of the Board of Appeals, meets all the conditions enumerated above.

Background information is attached for your review.

kms/attachments

x:\comdev\mem2019\170_211gatewood_strozik_variation_zba.docx

Blazej & Bozena Strozik

211 Gatewood Ln

Bartlett IL 60103

RECEIVED
COMMUNITY DEVELOPMENT

1 6 2019

VILLAGE OF
BARTLETT

Dear Village of Bartlett Board of Directors,

We are writing this letter to seek your approval to be able to put up a six foot fence further out then the building setback line.

We ask this because we are concerned for the safety of our children while they play out in the back yard. The four-foot fence does not offer any privacy, in this day and age we want to be able to do whatever we can to make sure that our children are not exposed to all of the strangers driving by.

In the future we would like to put up a pool and it not be distracting to people driving by. We also have a dog that while he is out and someone is walking by he barks and might scare the neighbors as he is big and intimidating.

The location of our property is surrounded by lots of open space, we have a retention pond in the back of the property, a retention pond in front of the property and a forest preserve across the street. While the forest preserve is a welcome feature, it raises another concern for us as we have seen Coyotes in the area. We would like to be able to protect ourselves from them entering our back yard.

Based on the above reasons, we seek your approval to be able to put up a six foot fence further out then the building set back line.

Sincerely,

Blazej & Bozena Strozik





VILLAGE OF BARTLETT VARIATION APPLICATION

For Office Use Only
Case # **2019-15**
RECEIVED
COMMUNITY DEVELOPMENT
OCT 18 2019
VILLAGE OF
BARTLETT

PETITIONER INFORMATION (PRIMARY CONTACT)

Name: Bozenna & Blazej Stozik

Street Address: 211 Gatewood Ln

City, State: Bartlett IL

Zip Code: 60103

Email Address: [REDACTED]

Phone Number: [REDACTED]

Preferred Method to be contacted See Dropdown

PROPERTY OWNER INFORMATION

Name: Blazej Stozik

Street Address: 211 Gatewood Ln

City, State: Bartlett IL

Zip Code: 60103

Phone Number: [REDACTED]

OWNER'S SIGNATURE: [Signature] Date: 10-15-19

(OWNER'S SIGNATURE IS REQUIRED or A LETTER AUTHORIZING THE PETITION SUBMITTAL.)

DESCRIPTION OF VARIATION REQUEST (i.e. setback, fence height) including SIZE OF REQUEST (i.e. 5ft., 10 ft.)

6ft tall fence 10ft off property line

PROPERTY INFORMATION

Common Address/General Location of Property: 211 GATEWOOD LN

Property Index Number ("Tax PIN"/"Parcel ID"): _____

Acreage: _____

Zoning: See Dropdown RD (Refer to Official Zoning Map)

APPLICANT'S EXPERTS (If applicable, including name, address, phone and email)

Attorney _____

Surveyor _____

Other _____

FINDINGS OF FACT FOR VARIATIONS

Both the Zoning Board of Appeals and the Village Board must decide if the requested variation is in harmony with the general purpose and intent of the Zoning Ordinance and if there is a practical difficulty or hardship in carrying out the strict letter of the regulations of the Zoning Ordinance.

The Zoning Board of Appeals 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 ZBA and Village Board to review.)**

1. That the particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

We are a corner property lot, we have a retention pond in the back of the property and a forest preserve across the street.

2. That conditions upon which the petition for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property within the same zoning classifications.

Yes, the location of the property is unique, surrounded by lots of open space.

3. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property.

NO

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.

Yes

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.

~~Yes~~ This will not be detrimental to the public.

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.

It will not impair an adequate supply of light. There is lots of open space around our home.

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, it will NOT confer on the applicant any special privileges.

ACKNOWLEDGEMENT

I understand that by signing this form, that the property in question may be visited by village staff and Board/Commission members throughout the petition process and that the petitioner listed above will be the primary contact for all correspondence issued by the village.

I certify that the information and exhibits submitted are true and correct to the best of my knowledge and that I am to file this application and act on behalf of the above signatures.

Any late, incomplete or non-conforming application submittal will not be processed until ALL materials and fees have been submitted.

SIGNATURE OF PETITIONER: *Blaze*

PRINT NAME: BLAZE STROZIK

DATE: 10-15-19

REIMBURSEMENT OF CONSULTANT FEES AGREEMENT

The undersigned hereby acknowledges his/her obligation to reimburse the Village of Bartlett for all necessary and reasonable expenses incurred by the Village for review and processing of the application. Further, the undersigned acknowledges that he/she understands that these expenses will be billed on an ongoing basis as they are incurred and will be due within thirty days. All reviews of the petition will be discontinued if the expenses have not been paid within that period. Such expenses may include, but are not limited to: attorney's fees, engineer fees, public advertising expenses, and recording fees. Please complete the information below and sign.

NAME OF PERSON TO BE BILLED: BLAZE STROZIK

ADDRESS: 211 GATEWOOD LN BARTLETT IL 60103

PHONE NUMBER: [REDACTED]

EMAIL: [REDACTED]

SIGNATURE: *Blaze*

DATE: 10-16-19



(assumed)

KaBal SURVEYING COMPANY

Land Surveying Services

10407 West Cermak Road
Westchester, Illinois 60154
(708) 562-2652

Fax (708) 562-7314
email: kabal-surveying@comcast.net
website: KabaSurveyingCompany.com
Registration No. 184-003061

KaBal OF SURVEY

Lot 273 in Fairfax Crossings Unit 4, being a subdivision of part of the Southwest quarter and part of the Southeast quarter of Section 14, Township 40 North, Range 9, East of the Third Principal Meridian, according to the Plat thereof recorded August 2, 1989 as Document R89-093620 and Certificate of Correction recorded January 11, 1990 as Document R90-005173, in DuPage County, Illinois.

Address: 211 Gatewood Lane, Bartlett

North
West

Gatewood (66' R.O.W.) Lane

VILLAGE OF
BARTLETT

prc = point of reverse curve

Area of property is approximately 11,117 square feet

"X" in box indicates that hereon drawn plat was ordered as a non-monumented survey

Please check Legal Description with Deed and report any discrepancy immediately.

Surveyed August 29, 2019
Building Located August 29, 2019

Scale: 1 inch =	20	ft.
Order No.	190912	
Ordered By:	The Fry Group LLC	

This professional service conforms to the current Illinois minimum standards for a boundary survey

STATE OF ILLINOIS }
COUNTY OF COOK } s.s.

I, MITCHELL P. BALEK, an Illinois Professional Land Surveyor, hereby certify that I have surveyed the property described above and the plat hereon drawn is a correct representation of said survey.

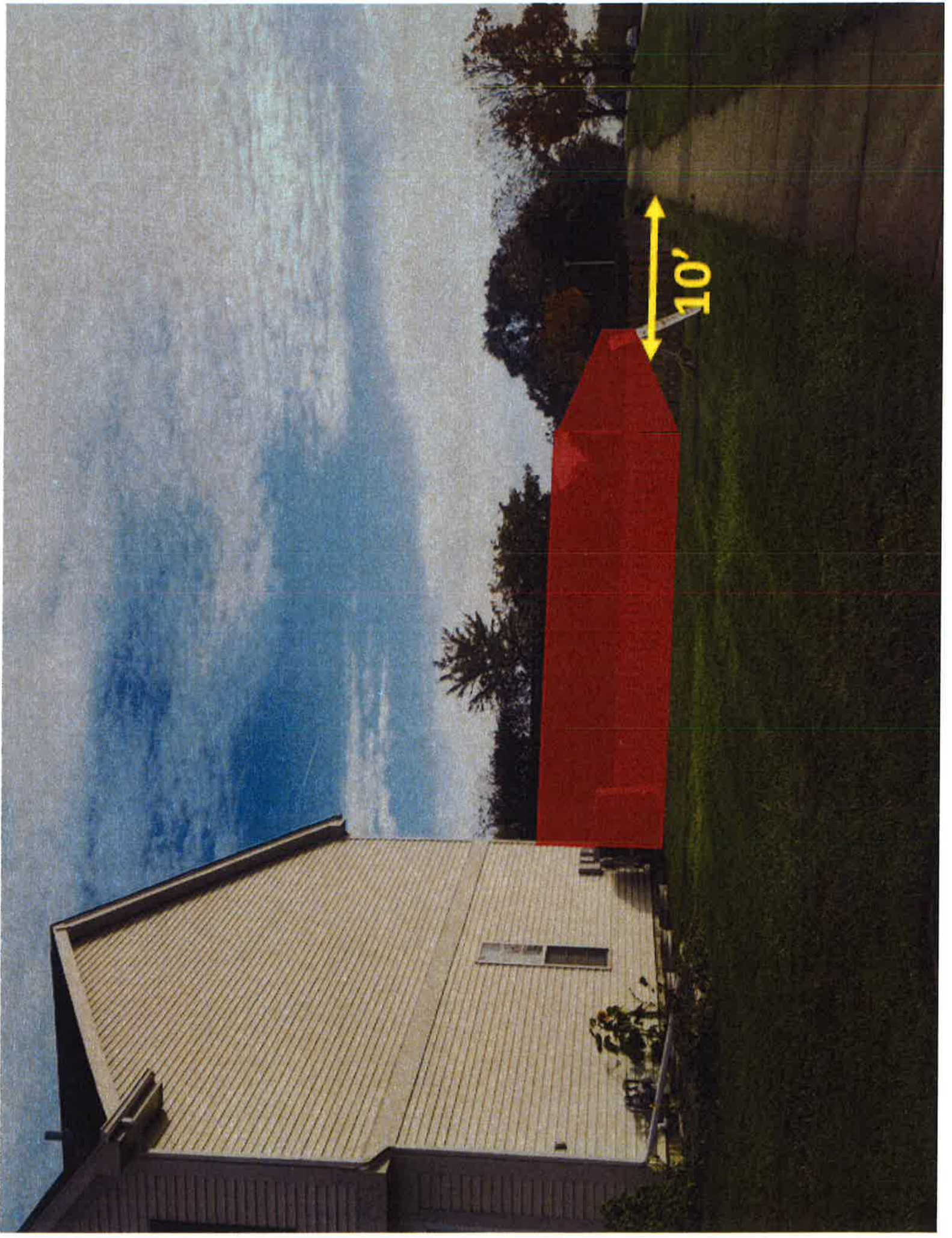
Dimensions are in feet and decimal parts thereof and are corrected to a temperature of 62 degrees Fahrenheit.

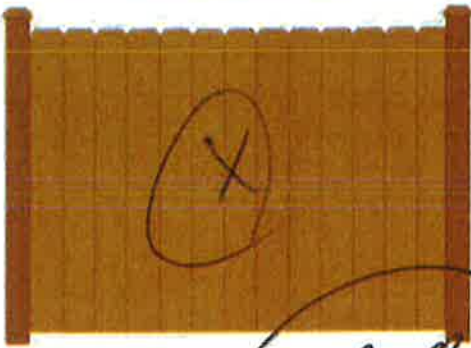


Mitchell P. Balek

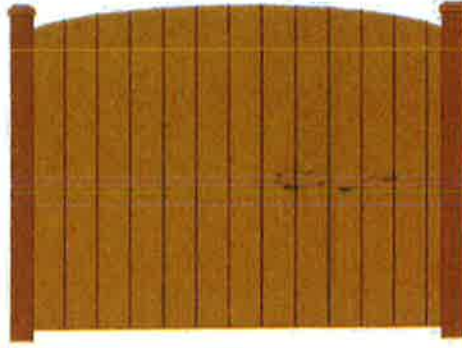
Illinois Professional Land Surveyor No. 035-003250
My license expires on November 30, 2020

ORIGINAL SEAL IN RED





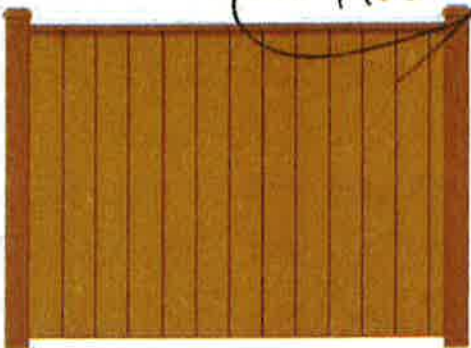
* Dog Eared 4700⁰⁰



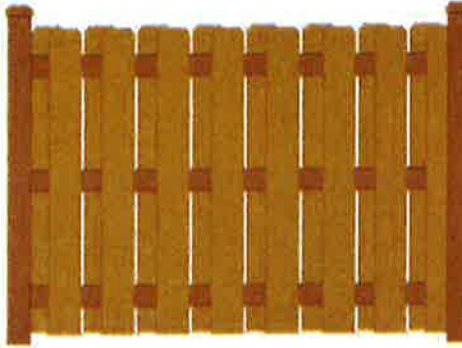
* Arched



* Scalloped



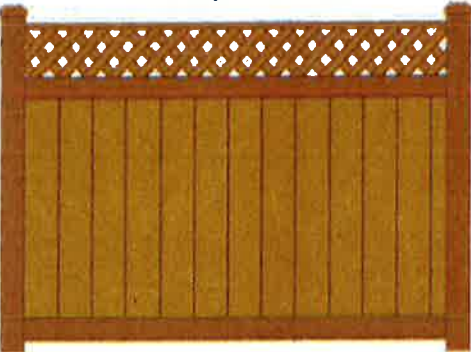
* Privacy with Cap



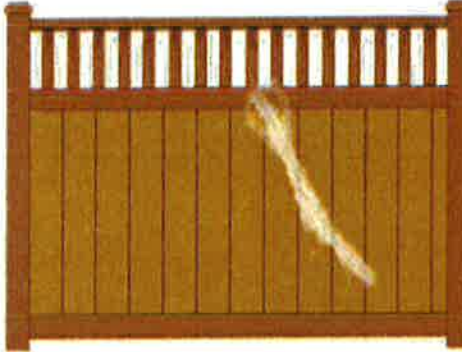
* Board on Board



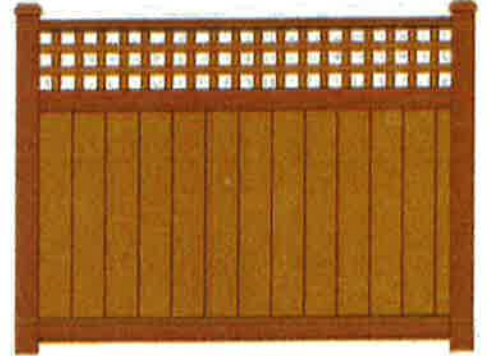
* Board on Board with Cap



Lattice Top



Spindle Top



Square Lattice



* Traditional



* Board on Batton



RECEIVED
COMMUNITY DEVELOPMENT
VILLAGE OF
BARTLETT

Board Top Options



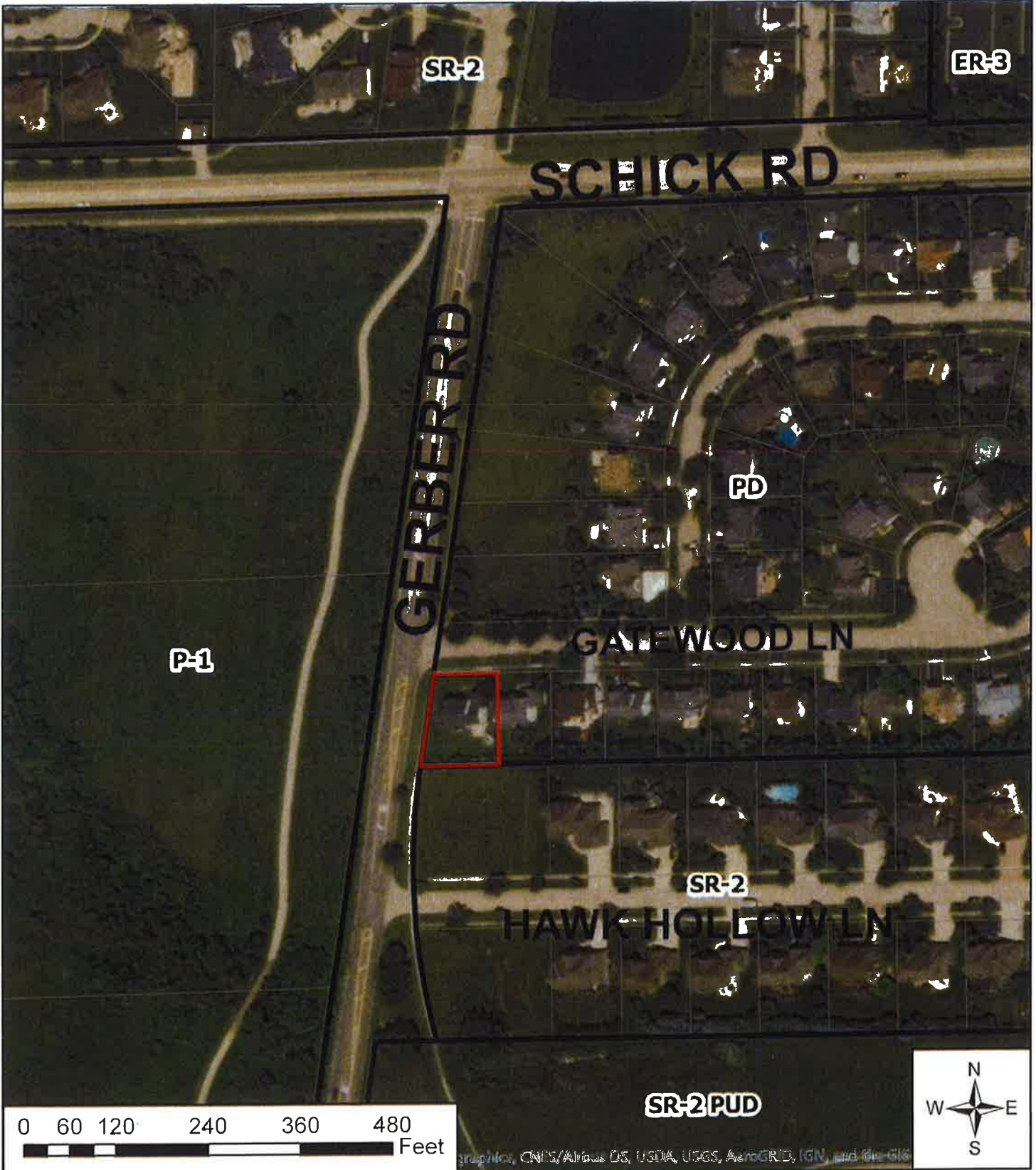
GATE POST (4)
4x6 x 9 RWC
1 4x4 x 12'
TP inc

Post Top Options



ZONING/LOCATION MAP

211 GATEWOOD LN
PIN: 01-14-304-001



Graphics: CNIS/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS



PLANNING & DEVELOPMENT MEMORANDUM
19-165

DATE: November 1, 2019

TO: The Chairman and Members of the Zoning Board of Appeals

FROM: Renee Hanlon, Senior Planner *RH*

RE: Draft Adult-Use Cannabis Zoning Ordinance Text Amendment

Background

On June 25, 2019 Governor Pritzker signed House Bill 1438 *Cannabis Regulation and Tax Act* into law as PA 101-0027. The purpose of this law is to legalize, beginning January 1, 2020, the consumption of cannabis by anyone over the age of 21. This law provides for the expansion of cannabis dispensing, growing, and processing beyond the medical cannabis industry. The law recognizes the need for municipalities to regulate the time, place, and manner of these new business enterprises. The law establishes state licensing requirements for the following cannabis businesses:

- **Dispensing of cannabis**
- **Cultivation of cannabis**
- **Craft growers of cannabis**
- **Transportation of cannabis products**
- **Cannabis infuser operations**

The law allows a municipality to prohibit cannabis businesses within their jurisdiction. The law makes clear that a municipality may not prohibit the use of cannabis within their jurisdiction even if the corporate authorities prohibit all cannabis related businesses.

A fact sheet prepared by the Illinois Municipal League is attached to this memorandum for your reference.

VILLAGE ZONING HISTORY OF MEDICAL CANNABIS

On November 5, 2013, the Village Board approved Ordinance Number 2013-81 which provides for the cultivation and dispensing of medical cannabis as a Special Use within the I-1 Light Industrial and I-2 EDA General Industry Economic Development Area Zoning Districts. The Ordinance further stipulates that a medical cannabis cultivation operation must be located at least 2,500 feet from any daycare center, school, or area zoned for residential use and a medical cannabis dispensing operation must be located at least 1,000 feet from any daycare center, school, or area zoned for residential use. *Please see the attached maps which illustrate the properties within the Village of Bartlett that meet these requirements.*

The Village has processed two (2) Special Use Permit applications for cannabis related businesses. The Village Board approved Ordinance Number 2014-074 granting a Special

Use Permit for a medical cannabis cultivation operation for I-2 EDA zoned property located in Brewster Creek Business Park. This business was never established. The Village Board Committee reviewed Zoning Petition Number 2014-025 requesting a Special Use Permit for medical cannabis dispensing on I-2 EDA zoned property located in Brewster Creek Business Park. This petition was subsequently withdrawn because the petitioner did not receive a state license.

Village Board Committee

Staff brought this issue to the attention of the Village Board Committee of the Whole at their July 16, 2019 meeting. The Village Board Committee discussed the pros and cons of Adult-Use Cannabis business enterprises in the Village and continued their discussion to their September 17, 2019 meeting. The Village Board of Trustees directed staff to draft a text amendment to the Zoning Ordinance allowing a limited number of Adult-Use Cannabis Dispensing and Cultivation businesses within the Village. The text amendment is to allow up to two (2) Adult-use Cannabis Dispensaries located at least 1,000 feet from any school, daycare, or property zoned for residential use. A total of one (1) dispensary may be located in the Blue Heron Business Park/Bluff City Industrial Park and a total of one (1) dispensary may be located in the Brewster Creek Business Park. The same rules will apply to Adult-use Cannabis Cultivation operations with the only exception being a distance requirement of 2,500 feet instead of the 1,000 feet required of a dispensary. The Village Board Committee felt that the following Adult-use Cannabis uses should be expressly prohibited within the Village: craft growing, infusing, processing, and transportation.

Text Amendment

In order to accomplish the goal of allowing, by Special Use, a total of two (2) Adult-Use Cannabis Dispensaries and a total of two (2) Adult-use Cannabis Cultivation operations, while prohibiting all other Adult-use Cannabis business enterprises within the Village, the following text amendment to the Zoning Ordinance are proposed:

Section 10-2-2 Definitions is amended to define the following adult-use cannabis enterprises: Adult-use cannabis craft grower, Adult-use cannabis cultivation center, Adult-use cannabis dispensing center, Adult-use cannabis infuser organization or infuser, Adult-use cannabis processing organization or processor, and Adult-use cannabis transporting organization or transporter. Adult-use cultivation center is further defined to require a distance of at least two thousand five hundred feet (2,500') from the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home or pre-existing property zoned or used for residential purposes and to allow only one (1) in Blue Heron Business Park/Bluff City Industrial Park and one (1) in Brewster Creek Business Park. Adult-use dispensing center is further defined to require a distance of at least one thousand feet (1,000') from the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home

or pre-existing property zoned or used for residential purposes and to allow only one (1) in Blue Heron Business Park and one (1) in Brewster Creek Business Park.

Section 10-6A-6 Prohibited Uses is amended to include and thereby prohibit the following uses in the B-1 Village Center District: Adult-use cannabis cultivation center, Adult-use cannabis dispensing center, Adult-use cannabis craft grower, Adult-use cannabis infuser organization or infuser, Adult-use cannabis processing organization or processor, Adult-use cannabis transporting organization or transporter, Medical cannabis cultivation center, and Medical cannabis dispensing center.

Section 10-6B-6 Prohibited Uses is amended to include and thereby prohibit the following uses in the B-2 Local Convenience Shopping District: Adult-use cannabis cultivation center, Adult-use cannabis dispensing center, Adult-use cannabis craft grower, Adult-use cannabis infuser organization or infuser, Adult-use cannabis processing organization or processor, Adult-use cannabis transporting organization or transporter, Medical cannabis cultivation center, and Medical cannabis dispensing center.

Section 10-6C-6 Prohibited Uses is amended to include and thereby prohibit the following uses in the B-3 Neighborhood Shopping District: Adult-use cannabis cultivation center, Adult-use cannabis dispensing center, Adult-use cannabis craft grower, Adult-use cannabis infuser organization or infuser, Adult-use cannabis processing organization or processor, Adult-use cannabis transporting organization or transporter, Medical cannabis cultivation center, and Medical cannabis dispensing center.

Section 10-6D-6 Prohibited Uses is amended to include and thereby prohibit the following uses in the B-4 Community Shopping District: Adult-use cannabis cultivation center, Adult-use cannabis dispensing center, Adult-use cannabis craft grower, Adult-use cannabis infuser organization or infuser, Adult-use cannabis processing organization or processor, Adult-use cannabis transporting organization or transporter, Medical cannabis cultivation center, and Medical cannabis dispensing center.

Section 10-7A-4 Special Uses is amended to allow Adult-use cultivation center and Adult-use dispensing center in the I-1 Light Industrial District by Special Use Permit.

Section 10-7A-6 Prohibited Uses is amended to include and thereby prohibit the following uses in the I-1 Light Industrial District: Adult-use cannabis craft grower, Adult-use cannabis infuser organization or infuser, Adult-use cannabis processing organization or processor, and Adult-use cannabis transporting organization or transporter.

Section 10-7C-4 Special Uses is amended to allow Adult-use cultivation center and Adult-use dispensing center in the I-2 EDA Economic Development Area Overlay District by Special Use Permit.

Section 10-7C-6 Prohibited Uses is amended to include and thereby prohibit the following uses in the I-2 EDA Economic Development Area Overlay District: Adult-use cannabis craft grower, Adult-use cannabis infuser organization or infuser, Adult-use cannabis processing organization or processor, and Adult-use cannabis transporting organization or transporter.

Section 10-8A-6 Prohibited Uses is amended to include and thereby prohibit the following uses in the P-1 Public Land District: Adult-use cannabis cultivation center, Adult-use cannabis dispensing center, Adult-use cannabis craft grower, Adult-use cannabis infuser organization or infuser, Adult-use cannabis processing organization or processor, Adult-use cannabis transporting organization or transporter, Medical cannabis cultivation center, and Medical cannabis dispensing center.

Section 10-13-8 Special Uses is amended to include additional findings of fact specific to an Adult-use cannabis dispensing center and Adult-use cannabis cultivation center. The amendment also includes a requirement for building enhancements at these facilities to provide for safety and security of the facility and the neighborhood in which they are located.

Cannabis related uses will also be prohibited in the Residential Districts and the OR Office/Research District by their exclusion from these zoning district regulations. Due to the construction of these zoning district regulations, the Residential and OR Office/Research Districts do not require revision. Only permitted and special uses are addressed in these districts and any use not addressed is prohibited.

RECOMMENDATION

1. Staff recommends **approval** of the proposed Zoning Ordinance Text Amendment to allow, by Special Use, up to two (2) Adult-Use Cannabis Dispensaries and up to two (2) Adult-Use Cannabis Cultivation Operations while prohibiting all other Adult-Use Cannabis related business within the Village.
2. The Draft Adult-Use Cannabis Zoning Ordinance Text Amendment is attached for your review.

Adult-Use Cannabis

HB 1438 (Rep. Cassidy, D-Chicago, Sen. Steans, D-Chicago) creates the Cannabis Regulation and Tax Act. Effective January 1, 2020, the Act legalizes the possession and private use of cannabis for Illinois residents over 21 years of age. The legislation has passed both Chambers and the Governor has indicated he will sign it.



6/2/19

LOCAL REGULATION OF CONSUMPTION

Municipalities may not restrict the private consumption of cannabis that is authorized by the Act. However, the Act prohibits the use of cannabis in public places, schools and child care facilities among other locations. Municipalities may adopt and enforce local ordinances to regulate possession and public consumption of cannabis so long as the regulations and penalties are consistent with the Act.

HOME GROW LIMITED TO MEDICAL PROGRAM PARTICIPANTS

Home grow cannabis will be authorized only for medical cannabis program participants, and is limited to five plants in their residence and subject to specified restrictions. Home grow of recreational cannabis by non-medical participants is prohibited. More information about the medical cannabis program is available via this link.



ZONING

The Act preserves local zoning authority and directly authorizes municipalities to prohibit (opt out) or significantly limit the location of cannabis businesses by ordinance. Municipalities will have the authority to enact reasonable zoning regulations that are not in conflict with the act. This would include the authority to opt out of either commercial production or distribution (dispensaries) of adult-use cannabis within their jurisdiction. Municipalities also may enact zoning ordinances and regulations designating the time, place, manner and number of cannabis business operations, including minimum distances between locations through conditional use permits.

BUSINESS REGULATION

In addition to their general business licensing authority, municipalities will have the authority to allow for on-premise use of cannabis at locations to be determined locally. The Act anticipates that local authorities will engage in inspections of cannabis-related businesses. Municipalities may establish and impose civil penalties for violations of the local business licensing ordinances and regulations.



LOCAL REVENUE

Municipalities, by ordinance, may impose a Municipal Purchase Excise Tax on adult-use cannabis products of up to 3% of the purchase price, in .25% increments. Counties may impose up to 3.75% in unincorporated areas, in .25% increments. The taxes imposed under this Act shall be in addition to all other occupation, privilege or excise taxes imposed by the State of Illinois, such as sales tax.



SMOKE FREE ILLINOIS ACT

The Act applies the restrictions of the Smoke Free Illinois Act on smoking cannabis, and provides that property owners may prohibit the use of cannabis by any guest, lessee, customer or visitor. In addition, lessors may prohibit cultivation of cannabis by their lessees.

EMPLOYER PROVISIONS

The Act provides employer protections including that nothing in the enactment prohibits employers from adopting reasonable zero-tolerance or drug-free workplace employment policies concerning drug testing, smoking, consumption, storage or use of cannabis in the workplace or while on-call. These policies must be applied in a nondiscriminatory manner. Employers may prohibit the use of cannabis by employees in the workplace, and engage in discipline, including termination, for violations of those policies and workplace rules.

STATE LICENSING

The Act authorizes the production and distribution of cannabis and cannabis products through state-licensed cultivators, craft growers, infusers, transporters and dispensaries. Cannabis transporters will be separately licensed by the Act, as well. A market study due in March 2021 will inform future licensing. The state will issue licenses according to a graduated scale. By the end of the first year, there will be up to 295 dispensing organizations. The Act will allow up to 500 dispensing organizations by January 1, 2022. Cultivators will be capped at 50, and 100 craft growers will be allowed. By that same date, 100 infusers will also be authorized to be licensed.

GRANTS AND INVESTMENT

The Act establishes the Restore, Reinvest and Renew (R3) Program to invest in communities historically impacted by economic disinvestment and violence. The Illinois Criminal Justice Information Authority (ICJIA) will identify R3 areas that qualify for funding, and grants will be awarded by the R3 Board. A 22-member R3 Board will award grants throughout the state, subject to an application process and the Government Accountability and Transparency Act (GATA); the R3 Board shall be chaired by the Lt. Governor.

SOCIAL EQUITY

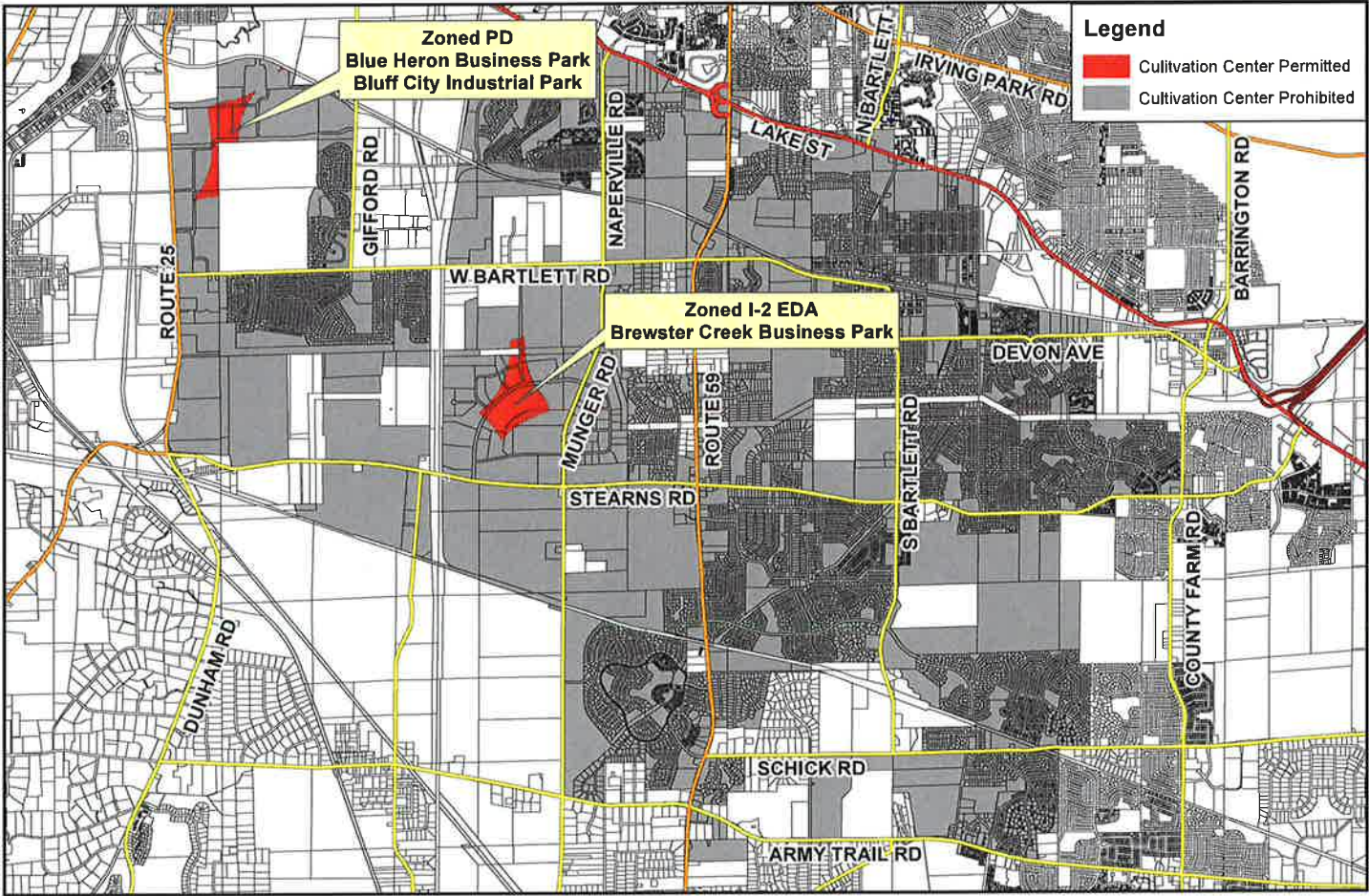
The Act provides for a social equity program to establish a legal cannabis industry that is accessible to those most adversely impacted by the enforcement of drug-related laws in this state, including cannabis-related laws. Qualifying social equity applicants may be awarded financial assistance and incentives if they are interested in establishing cannabis related businesses.

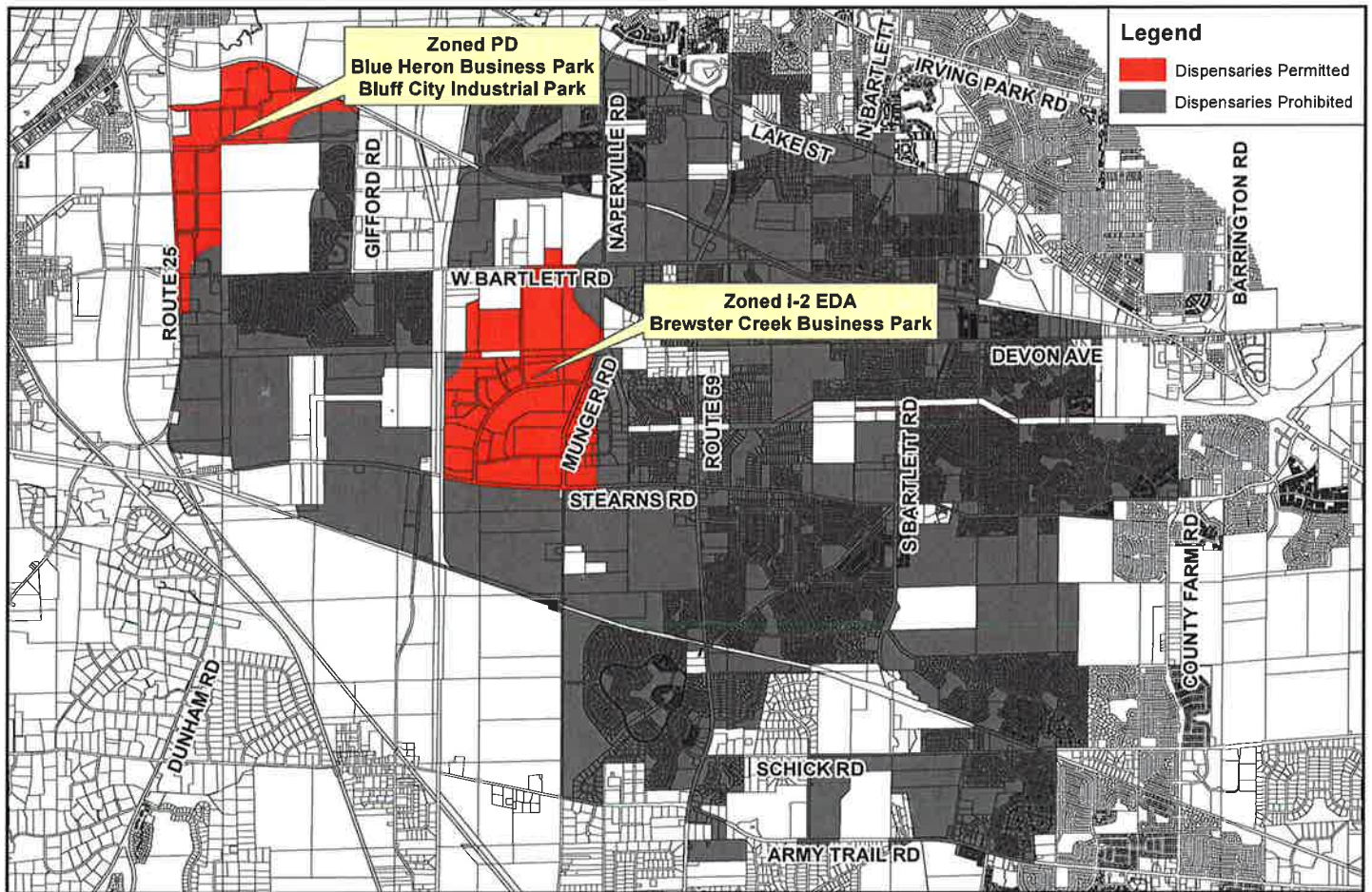
DECRIMINALIZATION AND EXPUNGEMENTS

A significant portion of the Act addresses the decriminalization of cannabis through mandatory and discretionary expungements of criminal convictions relating to non-violent cannabis offenses.

STATE REVENUE

State revenues derived from the Cannabis Regulation and Tax Act will be deposited into the Cannabis Regulation Fund. The funds will be distributed to multiple state agencies for implementation of the Act. The legalization of adult cannabis also includes a new source of Local Government Distributive Fund (LGDF) dollars. A portion of the Cannabis Regulation Fund (8% of deposits) will go to local governments as LGDF to be used to fund crime prevention programs, training and interdiction efforts. The Cannabis Regulation Fund is derived from moneys collected from state taxes, license fees and other amounts required to be transferred into the Fund.





Village of Bartlett Municipal Code Title 10 Zoning Text Amendment Redline

(Adult-Use Cannabis Cultivation and Dispensing)

Text in blue is new language

Text in ~~red-strikethrough~~ is deleted language

Text in black is included for reference

Chapter 2 RULES AND DEFINITIONS

10-2-2: DEFINITIONS:

MEDICAL CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis grown and cultivated to be packaged and distributed to registered medical cannabis dispensing organizations with usable medical cannabis in accordance with the laws of the State of Illinois. In addition a cultivation center must be located at least two thousand five hundred feet (2,500') from any daycare center, school or area zoned for residential use.

MEDICAL CANNABIS DISPENSING CENTER: A facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients in accordance with the laws of the State of Illinois. In addition a dispensary cannot be located within one thousand feet (1,000') of a school or daycare center or located in a residential neighborhood.

ADULT-USE CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis regulation and Tax Act, (P.A. 101-0027), as may be amended from time to time, and regulations promulgated thereunder. An adult-use cannabis cultivation center shall not be located within two thousand five hundred feet (2,500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home or pre-existing property zoned or used for residential purposes. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section. No more than one (1) Adult-use cannabis cultivation center shall be permitted at any given time in Blue Heron Business Park/Bluff City Industrial Park and no more than one (1) additional Adult-use cannabis cultivation center shall be permitted at any given time in Brewster Creek Business Park. On site consumption of cannabis is expressly prohibited.

ADULT-USE CANNABIS DISPENSING CENTER: A facility operated by an organization or business that is licensed by the Illinois department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder. An adult-use cannabis dispensing center shall not be located within one thousand feet (1,000') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home or pre-existing property zoned or used for residential purposes. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section. No more than one (1) Adult-use cannabis dispensing center shall be permitted at any given time in Blue Heron Business Park/Bluff City Industrial Park and no more than one (1) additional Adult-use cannabis dispensing center shall be permitted at any given time in Brewster Creek Business Park. On site consumption of cannabis is expressly prohibited.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ARTICLE A. B-1 VILLAGE CENTER DISTRICT

10-6A-6: PROHIBITED USES:

All uses not expressly authorized under "permitted, special or accessory uses" are expressly prohibited.

The following, and uses similar to the following, illustrate prohibited uses: (Ord. 82-73, 11-16-1982)

Adult bookstores.

Adult cabarets.

Adult entertainment establishments.

Adult mini-motion picture theaters.

Adult motion picture theaters. (Ord. 96-4, 2-6-1996)

Adult-use cannabis cultivation center

Adult-use cannabis dispensing center

Adult-use cannabis craft grower

Adult-use cannabis infuser organization or infuser

Adult-use cannabis processing organization or processor

Adult-use cannabis transporting organization or transporter

Automobile racetracks.

Car washes.

Drive-in uses, except for financial institutions.

Hotels and motels.

Incinerators.

Junk yards. (Ord. 82-73, 11-16-82)

Medical cannabis cultivation center

Medical cannabis dispensing center

Monoash landfills, transfer stations, balefills, hazardous waste landfills, incinerators, garbage dumps, sanitary and solid waste landfills and uses accessory to or related to said uses. (Ord. 88-67, 7-19-88)

Wholesale uses.

ARTICLE B. B-2 LOCAL CONVENIENCE SHOPPING DISTRICT

10-6B-6: PROHIBITED USES:

All uses not expressly authorized under "permitted, special or accessory uses" are expressly prohibited.

The following, and uses similar to the following, illustrate prohibited uses: (Ord. 78-40, 5-16-1978)

Adult bookstores.

Adult cabarets.

Adult entertainment establishments.

Adult mini-motion picture theaters.

Adult motion picture theaters.

Adult-use cannabis cultivation center

Adult-use cannabis dispensing center
Adult-use cannabis craft grower
Adult-use cannabis infuser organization or infuser
Adult-use cannabis processing organization or processor
Adult-use cannabis transporting organization or transporter
Automobile racetracks, raceways, speedways.

Hotels and motels.

Incinerators.

Junkyards.

Medical cannabis cultivation center

Medical cannabis dispensing center

Monoash landfills, transfer stations, balefills, hazardous waste landfills, incinerators, garbage dumps, sanitary and solid waste landfills and uses accessory to or related to said uses.

ARTICLE C. B-3 NEIGHBORHOOD SHOPPING DISTRICT

10-6C-6: PROHIBITED USES:

All uses not expressly authorized under "Permitted, Special and Accessory Uses" are expressly prohibited.

The following, and uses similar to the following, illustrate prohibited uses: (Ord. 78-40, 5-16-1978)

Adult bookstores.

Adult cabarets.

Adult entertainment establishments.

Adult mini motion picture theaters.

Adult motion picture theaters. (Ord. 96-4, 2-6-1996)

Adult-use cannabis cultivation center

Adult-use cannabis dispensing center

Adult-use cannabis craft grower

Adult-use cannabis infuser organization or infuser

Adult-use cannabis processing organization or processor

Adult-use cannabis transporting organization or transporter

Automobile racetracks, raceways, speedways.

Hotels and motels.

Incinerators.

Junk yards. (Ord. 78-40, 5-16-1978)

Medical cannabis cultivation center

Medical cannabis dispensing center

Monoash landfills, transfer stations, balefills, hazardous waste landfills, incinerators, garbage dumps, sanitary and solid waste landfills and uses accessory to or related to said uses. (Ord. 88-67, 7-19-1988)

Wholesale uses. (Ord. 78-40, 5-16-1978)

ARTICLE D. B-4 COMMUNITY SHOPPING DISTRICT

10-6D-6: PROHIBITED USES:

All uses not expressly authorized under "Permitted, Special or Accessory Uses" are expressly prohibited.

The following, and uses similar to the following, illustrate prohibited uses: (Ord. 78-40, 5-16-1978)

Adult bookstores.

Adult cabarets.

Adult entertainment establishments.

Adult mini motion picture theaters.

Adult motion picture theaters. (Ord. 96-4, 2-6-1996)

Adult-use cannabis cultivation center

Adult-use cannabis dispensing center

Adult-use cannabis craft grower

Adult-use cannabis infuser organization or infuser

Adult-use cannabis processing organization or processor

Adult-use cannabis transporting organization or transporter

Automobile racetracks, raceways, speedways.

Incinerators.

Junk yards. (Ord. 78-40, 5-16-1978)

Medical cannabis cultivation center

Medical cannabis dispensing center

Monoash landfills, transfer stations, balefills, hazardous waste landfills, incinerators, garbage dumps, sanitary and solid waste landfills and uses accessory to or related to said uses. (Ord. 88-67, 7-19-1988)

Wholesale uses. (Ord. 78-40, 5-16-1978)

ARTICLE A. I-1 LIGHT INDUSTRIAL DISTRICT

10-7A-4: SPECIAL USES:

Special uses, as hereinafter listed, may be allowed subject to the issuance of special use permits in accordance with the provisions of chapter 13 of this title.

The following uses are special uses in the I-1 district: (Ord. 78-40, 5-16-1978)

[Adult-use cannabis cultivation centers as defined herein and in accordance with the laws of the state of Illinois.](#)

[Adult-use cannabis dispensing centers as defined herein and in accordance with the laws of the state of Illinois.](#)

Airports and heliports, commercial or private, including aircraft landing fields, runways, flight strips and flying schools, together with hangars, terminal buildings and other auxiliary facilities.

Car washes and motor vehicle laundries.

Chemical processing and production.

Electroplating establishments.

Garages, public.

[Medical Cannabis cultivation centers as defined herein and in accordance with the laws of the state of Illinois.](#)

Medical cannabis dispensing centers as defined herein and in accordance with the laws of the state of Illinois.

10-7A-6: PROHIBITED USES:

All uses not expressly authorized under "permitted, special or accessory uses" are expressly prohibited.

The following, and uses similar to the following, illustrate prohibited uses:

Air, motor and railroad freight terminals.

Asphalt plants.

[Adult-use cannabis craft grower](#)

[Adult-use cannabis infuser organization or infuser](#)

Adult-use cannabis processing organization or processor

Adult-use cannabis transporting organization or transporter

Automotive salvage yards.

ARTICLE C. I-2 ECONOMIC DEVELOPMENT AREA OVERLAY DISTRICT

10-7C-4: SPECIAL USES:

Special uses, as hereinafter listed, may be allowed, subject to the issuance of special use permits in accordance with the provisions of chapter 13 of this title:

The following uses are special uses in the I-2 EDA overlay district:

Adult-use cannabis cultivation centers as defined herein and in accordance with the laws of the state of Illinois.

Adult-use cannabis dispensing centers as defined herein and in accordance with the laws of the state of Illinois.

Automotive services, including painting and undercoating, repair shops, service stations, storage facilities and retreading and repair shops (Cook County property only).

Car washes and motor vehicle laundries.

Chemical processing and production.

Electroplating establishments.

Garages, public.

Medical Cannabis cultivation centers as defined herein and in accordance with the laws of the state of Illinois.

Medical cannabis dispensing centers as defined herein and in accordance with the laws of the state

10-7C-6: PROHIBITED USES:

All uses not expressly authorized under "permitted, special or accessory uses" are expressly prohibited.

The following, and uses similar to the following, are prohibited uses:

Uses already prohibited in the I-2 general industrial district as follows

Adult-use cannabis craft grower

Adult-use cannabis infuser organization or infuser

Adult-use cannabis processing organization or processor

Adult-use cannabis transporting organization or transporter

Automotive salvage yards.

Creosote treatment or manufacturing.

Fertilizer manufacturing.

Incinerators.

Junkyards.

Landfills, dumps.

Monoash landfills, transfer stations, balefills, hazardous waste landfills, incinerators, garbage dumps, sanitary and solid waste landfills, and uses accessory to or related to said uses.

ARTICLE A. P-1 PUBLIC LAND DISTRICT

10-8A-6: PROHIBITED USES:

All uses not expressly authorized under "Permitted, Special or Accessory Uses" are expressly prohibited.

The following, and uses similar to the following, illustrate prohibited uses: (Ord. 96-30, 4-16-1996)

Adult bookstores.

Adult cabarets.

Adult entertainment establishments.

Adult mini motion picture theaters.

Adult motion picture theaters. (Ord. 96-4, 2-6-1996)

Adult-use cannabis cultivation center

Adult-use cannabis dispensing center

Adult-use cannabis craft grower

Adult-use cannabis infuser organization or infuser

Adult-use cannabis processing organization or processor

Adult-use cannabis transporting organization or transporter

Medical cannabis cultivation center

Medical cannabis dispensing center

Monoash landfills, transfer stations, balefills, hazardous waste landfills, incinerators, garbage dumps, sanitary and solid waste landfills and uses accessory to or related to said uses.

Private commercial uses.

Chapter 13 ADMINISTRATION AND ENFORCEMENT

10-13-8: SPECIAL USES:

- D. Processing: An application for a special use shall be filed with the Village Clerk on forms provided by the Village and accompanied by such information as shall be established from time to time by the Village and kept on file with the Village Clerk. The Village Clerk shall upon instructions from the Village Board forward such application to the Plan Commission or the Zoning Board of Appeals with a request to hold a public hearing.

The designated hearing body shall make its recommendation after a public hearing, of which there shall be a notice indicating the time and place of such hearing published at least once, not more than thirty (30) nor less than fifteen (15) days before the hearing, in one or more newspapers published in the Village or, if no newspaper is published in the Village, then in a newspaper of general circulation within the Village. In addition, at least fifteen (15) days prior to the date of the public hearing, the petitioner shall cause to be posted on the real estate which is the subject of the proposed amendment to the Bartlett Zoning Ordinance, the following notice:

Public Notice. Public Hearing for special use under Bartlett Zoning Ordinance for this site (insert date and time), Bartlett Municipal Building, 228 South Main Street.

*The Bartlett Plan Commission
or
The Bartlett Zoning Board of Appeals*

The procedure for posting the notice hereinbefore required shall be governed by section 10-13-10 of this chapter. (Ord. 78-40, 5-16-1978; amd. Ord. 79-15, 3-20-1979; Ord. 80-5, 2-5-1980)

The designated hearing body shall hold the public hearing and forward its recommendations and findings of fact in the form of a written report to the Village Board within a reasonable time, usually within thirty (30) days following the date of public hearing on each application, unless it is withdrawn by the petitioner. Such findings of fact shall include all of the following:

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;
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;
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. (Ord. 78-40, 5-16-1978; amd. Ord. 79-15, 3-20-1979)
4. That special use permits for Adult-use Cannabis Dispensing Centers and/or Adult-use Cannabis Cultivation Centers shall include the following additional findings of fact:

a. The proposed facility will not negatively impact existing or future uses located within the vicinity of the subject property.

b. The proposed Adult-use Cannabis Dispensing Center property is located a minimum of 1,000 feet from the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home or pre-existing property zoned or used for residential purposes. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section. The proposed Adult-use Cannabis Cultivation Center property is located a minimum of 2,500 feet from the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home or pre-existing property zoned or used for residential purposes. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this section.

c. The proposed structure in which the facility will be located complies with the Village of Bartlett Zoning Ordinance and Building Code.

d. The proposed hours of operation for the proposed facility coincide with the hours established by the State of Illinois.

e. The proposed facility has satisfied all necessary security measures as required by the State of Illinois and the Village, including but not limited to a security plan and security installations.

f. The proposed parking for the facility satisfies the parking requirements in the Zoning Ordinance and is based on one (1) space per 200 square feet of retail floor area for an Adult-use cannabis dispensing center and one (1) space per 1,000 square feet of growing/warehousing space for an Adult-use cannabis cultivation center.

g. The proposed traffic generated by the facility will not negatively impact the adjacent roadway capacity nor will it negatively impact access to adjacent roadways.

h. The design and layout of the site, including internal site circulation is compatible with adjacent land uses and provides for safe, efficient movement of traffic.

i. The proposed signage for the facility complies with the Village of Bartlett Sign Code regulations as outlined in the Zoning Ordinance.

j. The proposed facility satisfies and complies with all requirements provided in Section 10-2-2 of this Title.

k. Building enhancements, such as security cameras, lighting or other improvements, as set forth in the special use permit, to ensure the safety of employees and customers of the Adult-use cannabis dispensing center or Adult-use cannabis cultivation center, as well as its environs have been satisfied. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-use cannabis dispensing center or an Adult-use cannabis cultivation center and the site on which it is located, consistent with the requirement of the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder