



Village of Bartlett  
Plan Commission Meeting Minutes  
November 14, 2019

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

**Roll Call**

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

**Absent:** T. Ridenour, M. Hopkins

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

**Approval of Minutes**

A motion was made to approve the minutes of the September 12, 2019 meeting.

**Motioned by:** J. Kallas

**Seconded by:** A. Hopkins

**Roll Call**

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

**Abstain:** D. Negele

**Nays:**

**The motion carried.**



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**(#19-12) 120 Live**

120 W. Bartlett Avenue

Site Plan and Special Use Permits to allow:

- a) Restaurant with Alcohol Service
- b) Outdoor Seating and
- c) Live Entertainment (indoor and outdoor)

**Exhibit A - Picture of Sign**

**Exhibit B - Mail Affidavit**

**Exhibit C - Notification of Public Hearing Notice in Newspaper**

**R. Hanlon** stated that the petitioner is proposing to renovate the property at 120 W. Bartlett Avenue to establish a restaurant with alcohol service, an outdoor seating area, and indoor and outdoor entertainment. The petitioner is requesting Site Plan approval and three Special Use permits. The first is a restaurant serving alcohol, the second is to allow outdoor seating, and the third is to allow live entertainment indoor and outdoor. The interior of the building is being 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. There are improvements planned for 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 solid composite fence that has a gray stone appearance around three sides with an open picket-style aluminum fence along the Bartlett Avenue sidewalk.

The anticipated hours of operation for this business are from 10:00 a.m. until 1:00 a.m. week nights and 10:00 a.m. until 2:00 a.m. Friday and Saturday. The Staff is recommending that all outdoor entertainment end before 11:00 p.m. Monday through Saturday and before 10:00 p.m. on Sunday. The reason those hours were chosen is because it is consistent with our Amplifier Regulations. The petitioner is also requesting variations for the number of parking spaces, the amount of open space, and the size of their signage. A Public Hearing to review those variation requests was held last Thursday, November 7, 2019, by the Zoning Board of Appeals and the Zoning Board of Appeals voted unanimously to recommend approval of those variations. The Staff is recommending approval of the petitioner's request for Site Plan and Special Use permits subject to the conditions and findings of facts as laid out in the staff memo.

**R. Hanlon** turns the floor over to **Dana Bollman** to make her presentation. **J. Lemberg** asks if anyone else will be giving testimony along with petitioner. **J. Lemberg** swears in **D. Bollman**.

**D. Bollman** introduced herself as being there with her parents, Jim and Mary Ann Bollman, the property owners. She stated that they have a lot of experience in the bar/restaurant industry. She also stated that what they intend to do inside the building and outside the building. The front of the property will be the main bar and restaurant area and that will be open during the day and night. The back of the venue will be open for karaoke and potentially live bands, and possibly private parties. It is entirely separate from the restaurant and could be used for something private in the back. She also stated that they are planning to do a patio outside and she knows that there is a lot of concern about noise outside. She stated that they have no intention of playing loud music outside and they foresee background music, sporting events, and possibly an acoustic guitar performance. That is something



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they do not plan to play into the late night. In order to ensure that they restrict noise going to the neighbors, they have installed an eight foot (8') fence that is almost identical to what IDOT installs to cut down on sound. The patio would only be open weather permitting and will not be open all year round. There will be no smoking permitted outside. **J. Lemberg** questioned if this Commission has seen the Form Based Code. **R. Hanlon** stated that the Form Based Code has gone before the Zoning Board of Appeals which held the Public Hearing and they reviewed the proposed code amendment. They made a positive recommendation and it is going to the Village Board at the next board meeting. **J. Lemberg** asked the petitioner about drawing C.2 and if the gate in the front was three feet (3') wide or three feet (3') feet tall. **D. Bollman** confirmed that the gate is three feet (3') wide. **J. Lemberg** asked if the gate in the back is four feet (4') wide. **D. Bollman** stated, yes, the gate in the back is four feet (4') wide. **J. Lemberg** stated that the gates open to the inside instead of out, and asked if the Fire Department approved that. **R. Hanlon** answered that the Fire Department has not reviewed that yet. There will have to be emergency ingress and egress of the outdoor area. They are aware of that and the Fire Department will review that before a building permit is issued. **D. Bollman** stated that the Fire Marshall has looked at the location and they have asked for recommendations. **J. Lemberg** asked about drawing L401 showing the controlled entrance and exit, and asked who controls it. **D. Bollman** stated that they plan on that being an entrance and exit. She knows that has been a concern. They wanted somebody to man that entrance in order to see who would come in and out. **D. Bollman** stated that they have left that to whatever the recommendation would be. If they want that to be an emergency exit, they are fine with that and whatever the recommendation would be they are willing to follow. **J. Lemberg** stated that on the same drawing it says that rear entrance and will that be something that the public will be using. **D. Bollman** said they have not gotten positive feedback about that and that they are fine with that just being an emergency exit controlled with a push bar that opens to the outside. **J. Lemberg** asked if there any questions. **A. Hopkins** asked how many TVs do they plan on having. **D. Bollman** stated that they were thinking maybe three or four for background. **A. Hopkins** asked if they plan on having security cameras. **D. Bollman** answered, yes. **D. Gunsteen** questioned Staff if the Code requires an eight foot (8') fence along the front. **R. Hanlon** stated that the code does not require an eight foot (8') fence, but they chose the eight foot (8') fence in an attempt to try to mitigate noise. **D. Gunsteen** stated that the fence in the front was picket fence. **D. Bollman** stated that it was a wrought-iron fence. **D. Gunsteen** stated that he thought eight feet (8') was a little tall. **D. Bollman** stated that it actually was a really nice looking fence that looks like it is brick. **D. Gunsteen** asked if this was the picket fence in the front. **D. Bollman** stated that they plan on putting greenery in the front. **A. Hopkins** asked if the outdoor seating was just seasonal. **D. Bollman** stated that they would like to put some sort of roofing over the entire bar, but it would not be something they could do through the winter.

**J. Lemberg** asked if there are any additional comments or questions.

**J. Lemberg** opened the public portion of the meeting.

**M. Werden** of 431 S. Main Street stated that he was concerned about the outdoor noise and how late it might be because there is a residence that is almost completed above JCs and Mike Kelly plans to have one also in the near future. He stated that if they have that every night might be a little bit much because of the residence that would be above on both sides and maybe it should be limited to only weekends and not past 8:00 or 9:00. His major concern is that the JCs customers might be disturbed.

**Luz Alvarez** owner of JCs Mexican Restaurant at 130 W. Main Street stated that the more businesses would be great for more traffic in the downtown area and it will help increase business, especially in the wintertime. When she found out they were going to have live music outside she got concerned



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because she is planning to live upstairs on the second floor. Also, some of her customers told her that when O'Hare's had live music outside for Heritage Days, they could not hear the music that JCs was playing. It was explained that the music will not be too loud. She stated that she was also concerned about smoking and she does not allow anybody outside of her restaurant to smoke.

**Luis Alvarez** of 534 Kathy Lane is Luz's son and they run JCs together. He stated JCs is a family restaurant. They have not installed any of the casino machines in their business specifically because they want to maintain their status as a family business. He stated that they are happy to see new business come to the downtown area because there will be more customers visiting despite all of the downtown logistical issues as far as traffic and parking. He stated that he hopes any businesses that come to the downtown area are good enough to stay long term and bring in more business from surrounding areas not just Bartlett. He stated that they welcome them as new neighbors and hope they will be successful. His concern is the conduct of patrons of a bar, as the noise level can be high. Smoking is another issue. He stated that although there are laws that state where you can smoke it is hardly ever enforced and not very effective because when you are outside the wind can move the smoke. He stated that the indoor live music is not an issue. It is the outdoor live music. Outdoor noise will affect them. A freight train has 80 decibels of noise and a karaoke bar according to the "Medical Journal" can have 95 to 115 decibels. That is noisier than freight train. He stated that he likes the fact that they are not planning on having outdoor amplified music. He would like to be able to work together and not interfere with one another.

**Mike Kelly** of 229 Patricia Lane and building owner of 118 E. Bartlett Avenue, which is next door. He stated that he had a number of concerns. Within 250 feet there are 11 families that live within 250 of the property and the sound of the outdoor music will travel. The Staff referenced an Amplifiers Ordinance, but that is for individual events. They can hear those on Patricia Lane, but that is only six or seven times a year. Seven nights a week of outdoor music would affect everyone. He would not put his addition on the top of his building if the property was given permission for seven nights a week. He stated that the best thing that has happened on that street was the addition of JCs. He reminded the Commission that the Village is doing an overall plan for downtown and a big part of that is the mixed use to bring in people. They encouraged residences above the buildings. They will be driven away with outdoor music. He stated that he wishes them well, but to think strongly about the outdoor noise.

**John Iserd** stated that he measured the distance from the new restaurant to his home and it was about 400 feet. His big concern is the noise factor from a live band outside playing until 11:00 p.m. at night most nights a week.

**J. Lemberg** asked if there are any additional comments or questions.

**D. Bollman** added that the building is all concrete and she does not foresee any noise amplifying outside of the building. She also stated that they are not talking about having hair bands or craziness where the music is screeching or will be disruptive. They want to be good neighbors and they understand everybody's concerns and that people live close to the area. The entertainment outside would be very similar to what they play at JCs. It would be background light music to give atmosphere. The live entertainment outside would be acoustic; one guy with a guitar signing on the weekends. Any noise during the week would be if a Cubs or Sox game is on and they wanted to listen to the commentary. When they first proposed this, they did offer to provide a designated smoking area in the back of the property because of the issue with people going out front to smoke and there were people there eating dinner. That was not recommended so they let that go. She does want the neighbors to know that was on their mind. They did not want it to be a burden or a problem for



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anybody else. The Village did not think that would be necessary. She understands they did not want to promote smoking.

**J. Lemberg** asked if there are any additional comments or questions.

**A. Hopkins** asked why not a designated smoking area in the back. Was that something from Staff or the Zoning Board. He thinks that would be a good thing to have. **D. Bollman** stated that was something they proposed in one of the first meetings with the Village. They were trying to solve the problem. **A. Hopkins** stated that there are going to be people that smoke. They are either going to go out front 15 ft from the door, which is going to be near another business or out in the street. There is no room out front for people to go smoke. They are going to have to go across the street by the tracks. Why not figure out something in the back. **D. Bollman** stated that they were thinking something with a roof. Nothing to promote it. **A. Hopkins** stated that that people are going to do it. We have to have a safe place for them to go. We do not want them crossing the street. We do not want additional liabilities. **D. Bollman** stated that in the back, it would not interfere with anybody. **A. Hopkins** agreed, it would get people out of the way and he feels if there is room in the back, but make it so they are not lingering. He stated that he thinks it would be better than having people in the front smoking while people are looking around for a place to eat and they just see people out front smoking. He would rather keep people in the back. **J. Allen** also agreed that it would be better to have somewhere to go in the back where people could smoke. **A. Hopkins** stated that the Village Board should discuss it and figure out the best solution. He thinks it would be good for smokers to have a designated area to go. It is safer. **D. Gunsteen** agreed with A. Hopkins that the smoking should be in the rear. Bartlett Tap also has smoking in the back. **A. Hopkins** stated that he will put an Amendment onto the motion for the Village Board to look into it as well. **R. Hanlon** added that as the Staff went through the Site Plans and the area is tight and a very narrow lot. There is space needed for cars to maneuver, so it was difficult to find a spot to build a deck or permanent improvement, because the back of the site is really tight. **D. Gunsteen** asked if there was a way to designate a painted striped area with a sign that says "smoking area" in the back with a sign by the front door that says "smoking in the back." **J. Kallas** asked how many employees they will have. **D. Bollman** stated that during the summer a full staff would be 10 to 15. That would be only when everything is up and running. During the day-to-day operations with just the front open, maybe 3 to 4. That will be something they will figure out when they see how busy they are as far as staffing. **J. Kallas** stated that he was thinking about the problems with parking and that there are only three spots in the back and not enough handicap parking in the front. **R. Grill** stated that there is a handicap space in the front, but you might have to walk a little bit. Staff can look into additional handicap parking. **J. Kallas** stated that he would like to stay away from outdoor completely with no audio and no video. He does not think an eight foot (8') fence is going to be enough to control the noise. He also stated that the signage should be what our ordinance calls for. He is concerned that even voices will be too loud. He would like to put into motion restricting the time for outside to closing at 9:30 p.m. Sunday through Thursday and closing at 10:30 p.m. Friday and Saturday. He would like to put that in the motion. He asked, how many machines are they going to have? **D. Bollman** answered that they have not applied for the license yet. **J. Allen** stated that we cannot expect them to shut down at 9:30. A younger crowd will expect video. They will not sit outside with no TVs and no sound. It will not be a successful restaurant without video at least outside. **A. Hopkins** agreed that we do not have restrictions on other outdoor areas in downtown and disagrees with the 9:00 hour. **J. Lemberg** asked **J. Kallas** what items he would like to put up for motion. J. Kallas still feels there should be some restrictions and that just voices alone are going to be noisy. **J. Lemberg** asked if there is anyone on Commission that agrees with Jerry's ideas and thought. No one agreed. **R. Hanlon** asked if they would be interested in adding a condition that no amplified live entertainment would be allowed outdoors. **A. Hopkins** stated that he would not want to restrict that because if for one night



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they wanted to have an acoustic player out there they would have to amplify it some way, but he does not want to limit amplification of music to only two people that can perform. **A. Hopkins** thinks that we should leave it as is and if they exceed the code for sound levels someone can call the police and give them a citation. **R. Hanlon** also suggests an added condition of working with Staff to find a designated smoking area.

**J. Lemberg** asks if we are done with discussion and are we ready for motion.

**J. Kallas** asked about the sign ordinance. **R. Grill** stated that the Public Hearing for the variation request was reviewed and recommended for approval by the Zoning Board of Appeals.

**J. Lemberg** asked for a motion to approve the petitioners request for site plan review and Special Use Permits to allow a Restaurant with Alcohol Service, Outdoor Seating and Live Entertainment (indoor and outdoor) with conditions and Findings of Fact outlined in the Staff Report and **R. Grill** stated that staff will work on adding the designated smoking area.

**Motioned by: D. Negele**  
**Seconded by: A. Hopkins**

**Roll Call**

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

**Motion carried.**



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**Old Business/ New Business**

**R. Grill** recognized everyone for their hard work and **J. Lemberg** for his 40 years of service.

**R. Grill** stated that next on the Agenda was the Chrome Book training. Paper packets will no longer be sent out and will not need to be printed out anymore. **R. Hanlon** went through the instruction packet for the Committee members on how to use the new Chrome Books.

**R. Grill** introduced Kim Jembrzycki as the new secretary.

Motion to adjourn: All voted aye.

**The meeting was adjourned at 8:25 P.M.**