



**VILLAGE OF BARTLETT
ZONING BOARD OF APPEALS
AGENDA
228 MAIN STREET
December 2, 2021
7:00 P.M.**

- I. Roll Call
- II. Approval of the July 1, 2021 Joint Special Meeting of the Zoning Board of Appeals and Plan Commission meeting minutes
- III. **(#21-19) 985 Auburn Lane**
Variations: Front Yard, Corner Side Yard, Side Yard, and Rear Yard
PUBLIC HEARING
- IV. **(#21-14) Temporary Uses & Outdoor Dining Text Amendments**
PUBLIC HEARING
- V. Old Business/New Business
- VI. Adjournment



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M. Werden called the meeting to order at 7:06 pm.

ZBA Roll Call

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

Absent: None

Plan Commission Roll Call

A. Hopkins, M. Hopkins, J. Miaso, J. Kallas, and J. Lemberg

Absent: T. Ridenour

Also Present: Planning & Development Services Director, Roberta Grill, Village Planner, Kristy Stone, Associate Planner, Devin Kamperschroer,

Approval of the ZBA Minutes

A motion was made to approve the May 6, 2021 ZBA meeting minutes.

Motioned by: M. Sarwas

Seconded by: G. Koziol

Roll Call

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

Nays: None

The motion carried.



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Case (#20-19) Le P'Tit Resto Bar Tapas
Site Plan Amendment

Special Uses—for a restaurant to serve liquor, outdoor seating, live entertainment, and a PUD to allow two principal buildings on one zoning lot

Major Design Exception—to reduce the required number of parking spaces

PUBLIC HEARING

The following exhibits were presented:

Exhibit A – Picture of Sign

Exhibit B – Mail Affidavit

Exhibit C – Notification of Publication

C. Deveaux I will recuse myself since I am good friends with the petitioners (7:06 pm).

D. Kamperschroer this property falls within the original Village of Bartlett corporate limits (1891) and was zoned Business in 1941. As part of the comprehensive rezoning of the village in 1978, the property was zoned B-1 Village Center District. The site plan for Banbury Fair, which widened the main driveway and proposed a possible through connection to Hickory Avenue was approved in July 1987. A site plan for an addition, adding first floor retail space and 2 additional second floor rooms, was approved in 1989. Ordinance #2004-98 approved a site plan for an addition including first floor space as well as a second-floor apartment and a 17-foot variation for a wraparound porch. Ordinance #2012-41 granted a special use permit for a banquet facility to allow up to 6 outdoor banquets/events per year. The petitioner is requesting a site plan amendment for a tapas bar and lounge to be located in an existing 1,235 square-foot barn building on the Banbury Fair property. They are also requesting special use permits to allow a restaurant to serve liquor, outdoor seating, live entertainment, and a PUD to allow 2 principal buildings on 1 zoning lot. An addition is proposed on the west side of the barn that includes bathrooms, expands the kitchen area and provides additional seating. Water and sewer service connections would be extended to the barn for these improvements. The building will be under 2,500 square feet; therefore, a fire sprinkler system is not required. However, a smoke alarm system will be required. The proposed restaurant would have 40 seats located inside and 62 seats located on the existing patio and lawn space. The petitioner is also requesting a major design exception to reduce the number of required parking spaces from 16 to 4. Two on-site spaces will be designated for the apartment above Banbury Fair and an additional on-site space will be ADA compliant. In accordance with the Downtown Zoning Overlay, the proposed restaurant would require 8 parking spaces, 3 for the interior seating area and 5 for the exterior seating area. The existing retail store would require 6 parking spaces, with an additional 2 spaces required for the apartment. The Downtown Overlay allows for on-street spaces located on an abutting street to be counted as a credit towards the parking requirement. Staff has not applied that credit as the spaces in the commuter lot directly across the street require a fee before 11 am. However, the adjacent public parking lot east of the property contains 25 parking spaces and 58 spaces are available in the commuter lot directly to the north of the site. The commuter parking spaces are free after 11 am and on weekends. The existing fencing and landscaping would remain or be enhanced to provide screening to the properties to the south. The outdoor dumpster enclosure would be screened by an existing shed structure and gate. The restaurant would operate between the hours of 4:00 PM and 10:00 PM, 7 days a week. Any amplifiers used for outdoor live



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entertainment must be approved through the amplifier permit process with the village. A maximum of 6 large outdoor live entertainment events may take place within a calendar year. These events may utilize the entire site including the lawn area west of the restaurant and may or may not use amplification. Fencing for outdoor liquor service would be required. Staff recommends approval of the petitioner's requests for a Site Plan Amendment and the Special Use Permits subject to the conditions and findings of fact outlined in the staff report. Also, in accordance with the Downtown Overlay District major design exceptions and variations are allowed by article 10-9C-1.A subject to the conditions and standards detailed in the addendum to the staff report.

M. Werden when do you hope to have operations begin? The petitioners **Rakesh Chopra** and **Bruce Suffern** came forward and were sworn in by **M. Werden**. **R. Chopra** we will be operational after the bathrooms are done next year. **M. Werden** will there be extensive rehabbing on the barn and will it have the same look? **B. Suffern** the interior of the barn is being extensively remodeled. We just finishing putting in new doors and windows. All of the electric is going to be new. We have worked with the fire district on the design of the fire alarm system for the barn. The major challenge will be tearing down what we call the cottage, which is the building on the side of the barn. That will be torn down and a new structure will be built there to house the bathrooms and it will be connected to the back of the barn where the prep kitchen will be. We are going to great lengths to preserve the character of the barn. The barn has been a commercial property for 30 years and has successfully attracted people because of its unique appearance and charm. We are going to great lengths to preserve that and also doing the necessary upgrades to make it safe and attractive. **B. Bucaro** regarding the parking variance, I view this as very similar to More Brewing and 120 Live in the downtown area. Spaces are available and it is not uncommon in other villages to have to walk a block or two and as demonstrated with the parking in the Metra lots and other small village lots. I think that suffices and I do not have an issue with the parking.

M. Werden opened the public hearing portion of the meeting.

Terry Hogan of 350 Wayne Court stated that he supports Bruce as well as Banbury Fair and their efforts to get this accomplished. They have very nice shops and this is very nice for the neighborhood. When I saw what they were doing I was very excited. I just wanted to say that I am here to support them and I hope that the Board will approve this so that we can have more shopping and dining opportunities. **Matthew Newman** of 310 S. Hickory Avenue stated I am pretty close to this property and I am excited about it. I am a little worried about noise. **D. Kamperschroer** stated each amplifier permit application would need to go through a staff permitting process. **M. Newman** I am 4 or 5 houses down and I have a baby on the way so it is a concern. I cannot see people using the parking across the street because it is across the tracks and you have to go to the next street over. There are already people parking on the street, across the street. I would like you to consider the parking and the noise.

M. Werden asked if there were any further questions. No one came forward.

M. Werden closed the public hearing portion of the meeting.



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M. Hopkins made a motion to pass along **a positive recommendation** to the Village Board to approve case **(#20-19) Le P'Tit Resto Bar Tapas** for a Site Plan Amendment and Special Use Permits subject to the conditions and findings of fact outlined in the staff report.

Motioned by: M. Hopkins
Seconded by: A. Hopkins

Roll Call

Ayes: A. Hopkins, M. Hopkins, J. Miaso, J. Kallas, J. Lemberg
Nays: None

The motion carried.

G. Koziol made a motion to pass along **a positive recommendation** to the Village Board to approve case **(#20-19) Le P'Tit Resto Bar Tapas** for a major design exception to reduce the required number of parking spaces subject to the conditions and findings of fact outlined in the staff report.

Motioned by: G. Koziol
Seconded by: M. Sarwas

Roll Call

Ayes: G. Koziol, B. Bucaro, J. Banno, M. Sarwas, and M. Werden
Nays: None

The motion carried.

C. Deveaux returned to the meeting (7:25 pm).



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Case (#20-16) Residences at Bartlett Station (Site E) (PC Chairman Lemberg)

- A. **Second Amendment to Ordinance #2003-123** to allow for 104 residential apartments in one building
- B. **Amending the Special Use for a PUD** to allow for 104 residential apartments in one building
- C. **Amending the approved Preliminary/Final PUD Plan (Residential Site Plan)**
- D. **Amending the following Exhibits attached to Ordinance #2003-123**
 - o Residential Site Plan – Exhibit E-2
 - o Residential Building – First Floor Plan – Exhibit E-4
 - o Residential Building – Garage Floor Plan – Exhibit E-5
 - o Landscape Plan – Exhibit E-6
 - o Building Elevations – Exhibit E-7 (SK-007, 008)
 - o Modifications to Bartlett Zoning and Subdivision and PUD Ordinances - Exhibit E8 #3
- E. **First Amendment to Ordinance #2005-124** to allow for 104 apartment units in one building
- F. **Amending the following Exhibits attached to Ordinance #2005-124:**
 - o Residential Buildings 3, 4, & 5 First Floor Plan – Exhibit 1
 - o Residential Buildings 3, 4 & 5 Second/Third Floor Plan – Exhibit 2
 - o Residential Buildings 3, 4 & 5 Elevations – Exhibit 3
- G. **Plat of Consolidation**
- H. **Variations from the Downtown Zoning Overlay District (Form Based Code)**
 - o 10-9C-3.C.3 – Other Frontage Build-to Zone – Corner Side Yard Setback
 - o 10-9C-3.C.6 – Minimum Rear Setback
 - o 10-9C-3.C.8[7] – Surface Parking & Loading Location – Rear Yard
 - o 10-9C-3.D.1 – Maximum Height
 - o 10-9C-4.D – Table C. Prohibited Materials
 - o 10-9C-5.D.1 – Table E. Minimum Parking Spaces

PUBLIC HEARING

The following exhibits were presented:

Exhibit A – Picture of Sign

Exhibit B – Mail Affidavit

Exhibit C – Notification of Publication

Exhibit D – Petition written by Bruce Dubiel

Exhibit E – Letter via email from Loretta Goddard

Exhibit F – Letter via email from Bruce Dubiel

Exhibit G – Parking Study #1 Elmhurst Terrace Apartments

Exhibit H – Parking Study #2 Elmhurst 255

Exhibit I - Parking Study #3 The Flynn, Elmhurst

The petitioners were sworn in by **J. Lemberg**.

R. Grill we received additional petition signatures. I have 5 pages of additional signatures that I would like to enter into the record as exhibit D. Also included in your packet are letters that we received from Loretta Goddard and Bruce Dubiel with additional petitions and narratives. This property was part of



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the original Village of Bartlett corporate limits in 1891 and was zoned Industrial in 1941. U.S. Flexible Tubing Company (later known as Flex-Weld Inc.) built a plant on the property in 1949 to manufacture metal hoses. As part of the comprehensive rezoning of the village in 1978, the property was zoned I-1 Light Industrial District. In 2003, the property was rezoned to the PD Planned Development District, which granted special use permits for the mixed-use town center PUD and approved the preliminary/final subdivision/PUD and mixed-use and residential site plans. The original PUD Plan included two mixed-use buildings and five residential condo buildings with 24 units each. One mixed-use building and two of the residential condos were built in accordance with the original PUD Plan. In 2005, the PUD Plan was amended to allow for the modification of the floor plans for the three remaining residential condo buildings and to increase the number of units within each building from 24 to 27. The increase in units reduced the parking ratio from 1.45 to 1.30 for the remaining 3 condo buildings from 24 to 27. One of the condo buildings, building 3, was built in accordance with the amended PUD Plan. The 2 condo buildings that were planned for this site, which were buildings 4 and 5, were never constructed and the Village has retained ownership of the undeveloped property commonly known as Site E in the TOD Plan. The petitioners are requesting to amend the approved ordinances, all of the exhibits, the preliminary/final PUD plan, and the special use, to allow for the construction of a 104-unit apartment complex. This building would include a mix of 14 studios, 48 one-bedroom and 42 two-bedroom units. There would be 100 storage lockers located in the underground parking garage; as well as a package room, community space, fitness center, lobby, and office area proposed on the first floor. The building would include a secure entry system at both the north and south entrances. The proposed building would be 5 stories in height with a mean height of 60'1" and constructed primarily with 4 different color palettes of brick and a renaissance stone base. The roof top mechanicals would be located behind a 3'4" high parapet wall which architecturally provides for varying roof heights on each of the elevations. The proposed density for this development would be 55.6 dwelling units per acre. The proposed preliminary/final PUD plan identifies 73 surface parking spaces and 48 underground/garage spaces for a total of 121 spaces. The Downtown Zoning Overlay District requires 130 parking spaces for this site or 1.25 spaces/unit. The petitioners are requesting a major design exception to reduce the parking requirement by 9 spaces or to allow 1.16 spaces/unit. An 8' foot-wide multiuse path is included as part of this plan located along the western property line. This path was a recommendation from the TOD Plan which promoted connectivity through this development to the Metra commuter station. A full curb cut is proposed along Berteau Avenue which would also serve as the construction entrance and exit. All construction vehicles would be required to approach the site from Berteau via Devon Avenue and no construction traffic would be permitted along Railroad Avenue. Both indoor and outdoor bike racks would be located on the site as required in the Downtown Zoning Overlay. There would be 37 hanging bike racks located in the underground garage, with 3 racks providing spaces for 6 bikes located along the Railroad Avenue frontage. The overall length of this building along the Railroad Avenue frontage requires that 2 benches be placed along this streetscape and the petitioners have included a bench east and west of the north entrances. Two additional benches have been placed along the south property line within a seating area located adjacent to the bike path. Several native trees and some of the existing vegetation will also be preserved along the south property line. The existing trees located on the adjoining apartment complex property to the south will remain. The petitioner is also requesting a plat of consolidation which would combine the 4 existing parcels to create one zoning lot. The major design exceptions are being requested by the petitioner and those include the other frontage build-to-zone corner side yard



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setback, 7.5 foot minimum setback is required and 5' is provided; a minimum rear setback, 7.5' is required, 2' 8" is provided; surface parking and loading location in the rear yard, the rear parking shall not extend beyond the building and parking extends 2'4" beyond the building; the maximum height, 4 stories is the maximum, 5 stories is provided; prohibited materials (metal sheets), aluminum composite to allow aluminum composite panels as a minor façade material; minimum parking spaces; 1.25 parking spaces per unit is required, 1.16 parking spaces per unit is being provided. The petitioner has provided a separate response to each of the major design exceptions and the justifications, and those are included in your packet. Landscape, photometric and engineering plans are currently being reviewed by the staff. Staff does recommend approval of the petitioners' requests for amending the special use permit, the preliminary/final PUD plan the above-referenced exhibits associated with each of the Town Center ordinances and the plat of consolidation, subject to the conditions and findings of fact outlined in the staff report. The petitioners are here tonight.

J. Lemberg does anyone have any questions for staff at this time? **A. Hopkins** has any other type of development come up like this before in the Village? **R. Grill** can you be more specific? **A. Hopkins** has there been any other 5 story apartment buildings that have applied or been reviewed similar to this? **R. Grill** regarding the height or type of use? **A. Hopkins** both. **R. Grill** are you asking has it come before this commission or just to staff for concept review? **A. Hopkins** just to the Plan Commission or Village Board Committee of the Whole. **R. Grill** no. We have had other buildings in town that have exceeded this height limit. Clare Oaks to the west on W. Bartlett Road is actually 75' tall and the Plan Commission recommended approval for 80 feet. **M. Werden** since you cited those properties, this proposal is also higher end with better materials and even with the studio apartments that is not going to generate a lot of cars, correct? **R. Grill** that is correct and the petitioner has a presentation to demonstrate those statistics. **J. Pikarski, Gordon and Pikarski, Attorney at Law** it is my pleasure to present to you this evening the Residences at Bartlett Station. This is in my estimation probably one of the most exciting ideas that has come to the Board in probably decades. I represent MMAJ, LLC, but specifically its principal, Manny Rafidia. The property is at the southwest corner of Railroad Avenue and Berteau Avenue. The property measures about 81,500 square feet. It is currently owned by the Village. The property has frontage along Railroad Avenue of 376 feet. It is irregular in shape. I would call it trapezoidal. The property has 4 parcels. We are seeking to consolidate those 4 parcels into 1 parcel. The zoning is part of the Bartlett Downtown Plan with a Downtown Zoning Overlay and TOD Overlay. It has been subject to at least 2 reviews with this Board, which were both voted favorably, but were never completed, unfortunately. The building that we are presenting contains 104 units. We are providing 137 parking spaces. That is 48 spaces in the building, 73 spaces outside the building and 16 auxiliary spaces in the shopping center, which my client owns to the south of the subject site. The makeup of the units are 14 studios, which have about 650 square feet in each unit and will rent for about \$1,000 per month. It has 48 one-bedrooms, which have about 800 square feet and should rent for approximately \$1,240 per month. It has 43 two-bedroom units, which will contain approximately 1,200 square feet and rent for about \$1,860 per month. Our developer, Manny Rafidia, is not unknown to the Village. He is of the Village. He purchased a faltering shopping center within 500 feet of the subject site and turned it around. It is now a viable and tax-generating entity of which the Village can be exceptionally proud. It is called The Streets of Bartlett. As an exhibition of faith in the community, Manny is about to spend about \$15 million. You can only imagine what that does to the tax base of the Village of Bartlett. Also, the subject development will be within walking distance to the various



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shopping areas that have been created within the Village and within 500 feet of the subject site. The subject of 104 units and how we arrived at that is not an arbitrary number that we just picked. In order to develop the site, a reasonable rate of return is approximately 8 percent. In order to do that, based on the cost of building, land and soft costs, 104 units is mandated. This is the amount that we have always spoken of. This is the amount we need in order to make this a viable project. We have expressed this to the Village Board and they have entered into a contract with us that is subject to obtaining 104 units. The legislative body of this Village has spoken as to their ideas as to the density of this project. **M. Haylock, Arch America** I would like to highlight the key features that we would like to focus on. This is a 5-story building with 104 apartments. We have 2 entrances into the building, the main entrance on Railroad Avenue and around the back on the parking side. Both sides of the building look identical. We also have side entrances. The vehicular access is off of Berteau and we have 73 parking stalls. Trash storage is in the basement and to get to the basement you go down the heated ramp. Trash will be wheeled out on trash mornings and the maintenance person will wheel the dumpsters up with a vehicle. You will not see any trash outside of the building. The back of building, which faces one of the residential developments has a drainage swale that runs across the site and there is storm water piping that wraps around and comes out to the storm sewer. That same sewer serves all of the buildings in the area. That sewer follows the street and about 2 blocks down there is a shared community detention basin. This site does not actually have detention on it, it is shared through that basin. The engineer has already designed the site and used all of the current best-engineering practices to make sure that all of the storm water will stay on the site and not spill over the property lines and may be even better than it is now. We will be following all of the required codes as well as staff approvals. There are a lot of trees along the property line and I believe we are going to keep all of them and add an additional buffer along the property line so that there is a screen to the parking lot. Regarding the variations, a lot of those have to do with setbacks. This site is trapezoidal and as you can see, if this property was straight, we could get more parking stalls and if it was actually square, we would not be talking about parking at all and would have met the ordinance. The side yard setback requirement along the street is 7.5 feet because the building got shifted to make room to get into the garage. We want to make sure that we have enough room for the cars to go down the ramp and get into the garage without having too sharp of a turn there. With the pedestrian path, which is 8' wide, we are really pinched at that spot. It is only 5' but increases to 20' so the average is well over 7.5 feet. The other variation we are asking for is to allow parking to project past the end of the building by a couple of feet. The variation is a rear yard setback and that is not a setback to the building, it is a setback to the parking stalls. We were trying to get as many parking stalls as we could. The building will have a variety of materials. There is renaissance stone at the base, which basically has the same properties as limestone. We have that throughout the building. It has a more consistent finish and color. We have 3 different colors of brick starting from dark brown to medium brown to a light color, almost white. This will help with the perception of height. The building to the east is a 4-story condo building with a roof. That building is brown with a dark roof so that you can see the mass of the building because the colors are consistent. Our building is varied dark to light as you get closer to the sky to help minimize the height of the building to make it feel not quite as tall. The other variation request is the use of composite aluminum panels. This material has a thicker sheet of aluminum on both sides and is very durable. It is designed to last the life of the building and it is going to look great. Staff has approved this material. The entire facade is going to look very clean and high end. This building will have load-bearing masonry walls with precast concrete floors with 2" concrete topping.



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The floors are going to be 12" thick concrete. The walls will have at least 8" of masonry plus the exterior cladding. The roof will be steel frame. We primarily do that so that it is easier to create the slope on the roof and provide insulation. This is a very expensive building to construct. It is a high-end building that will need very little maintenance. It is going to look the same now as it will 20 years from now. It will not require any painting. The material and type of construction is fire resistant. The building will be fully sprinklered and will have fire alarms. It will be very difficult for your neighbor to hear you. This is going to be a very quiet building and very well-constructed building. The height of the building from the finished floor to the typical parapet is 59' 2". The grade is roughly 6" below that. We do not want to have the grade right at floor level. To grade, the site is almost flat. It drops off a little bit right at the end facing the neighbors, but that is where the drop off is. The building from grade is really 60' 4". The neighbor's building as a comparison is 4 stories; however, based on the construction drawings, the finished floor to the highest point of roof is 50 feet. If you take it from grade to the top, it is 54 feet. Our building is 60' 4" so that is a difference of about 6 feet. We do not want our building to look like the neighbor's building. We want to create variety and varying heights is a good thing. That is how you get a streetscape and a skyline. The ceiling height on the first floor is 10', second, third and fourth floors is 9', and 10' on the top floor. We could knock a few feet off, but we want it to have a high-end feeling and keep the ceiling heights that we have. A typical floor has 21 units with a community room and exercise room. The units will have an open-concept plan with an island in the kitchen, granite countertops, and wood flooring throughout. Every tenant will have a storage locker and hanging spots for bicycles. We will also have a luxurious lobby with high speed elevators. **William James, Principal Consultant, Camiros Ltd.** we understand this is the first project that is being considered under your Downtown Zoning Overlay. Our firm has a lot of expertise in zoning. We do zoning ordinances for major cities across the country. Town centers require public intervention and do not evolve naturally. You have to guide them into being. I think you have done a great job with your town center so far, but you need public intervention. I think your Form Based Regulations are part of that intervention. These regulations are different from the standards in your base zoning classifications. The base zoning classifications identify minimums and maximums. They create a very large envelope in which you can do different designs whereas your TOD regulations in your downtown are much more specific. The intent of the Downtown Overlay District Regulations are more in the form of guidelines than in the Base Regulations where you are expected to conform to the regulations and need a variation if you do not conform. In the Downtown Zoning Overlay if you do not conform you go through a major exception process and the criteria for that is different from the criteria for variations and the standard is lower because it is understood that specific projects will not meet each of the design regulations and the overlay. The main thing is to get the big picture right and make sure that you have projects that will help you create the kind of town center that fulfills your vision and oftentimes that includes development that is compact, fairly dense and has height to it, and the development as a whole creates a walkable community with a synergy between the uses that are there. These are all things that you want to get right as part of the big picture. The details are important, but really secondary and those would be things that would include the design exceptions in this case. I think a building with this kind of design is what you want in your town center. A lot of thought and effort went into this. There is a lot of visual interest in the building and it is an attractive building. I think that is important for your town center. I think the design exceptions are relatively minor. There are a couple of pinch points on the side yard and rear yard where we have fairly generous yards on the sides of the building, but because the site is trapezoidal it is not parallel to the lot line. There is about 150' between our proposed



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building and the existing building to the west. That is a lot of space. I think that minimizes the impact that we would have in terms of our slightly taller building next to their slightly lower building. We have some variation on the front build-to-zone because the front lot line is irregular in shape. At the pinch point, we need a little relief from that 7.5', but with a generous side yard along Berteau Avenue. The setback for the rear yard is the same. There is a generous yard along the rear lot line. Surface parking and loading would be in the rear yard. The height we are asking for is 1 story above the height called for in your Downtown Zoning Overlay. I do not think that is a major point. I think it is much better to have a taller building than a shorter building. You want the height and prominence that this building will give you in your town center to make people notice that they are in a different place and special place within town with taller buildings and more density. We are slightly under the minimum requirement for parking. In TOD locations this is not unusual. I was part of a project design in Evanston where we had approved 168 units and only had a net addition to the site of 37 spaces. There was an abundance of off-site parking there and I think we have a similar condition here where we have abundant parking across the street except at certain hours. The auxiliary parking that we are going to have a short distance away will compensate for the shortage. I do not think parking will be a problem for this project. I believe all of the design exceptions we are asking for meet the criteria in the ordinance. The exceptions are needed to fulfill the intent of your Town Center District and is the kind of project consistent with the big picture for your town center. **Tim Doron, Senior Transportation Consultant, Fish Transportation Group** the key to parking is to utilize the assets around you i.e. the Metra station parking, right size parking of the property, and auxiliary parking. We reference in our report other communities and the national standards which are put forth by the Institute of Transportation Engineers where they have surveyed a number of these types of units nationally and locally. Their average for a suburban site within a half mile of a rail station is 1.5 per dwelling unit. Code in this overlay district calls for 1.25 spaces per dwelling unit. This site is located in the downtown district next to Metra parking, which is available after 11:00 am and on weekends to the public. In addition, we have a plan for overflow parking. Railroad Avenue is a single lane in each direction with a turn lane into the Metra parking lot going eastbound and a turn lane at Main Street going westbound. It is not signed for no parking, but you cannot park there because it is not wide enough. Berteau Avenue is a single lane in each direction. It carries about 8,000 cars a day. It is not a high-volume roadway. I believe nearby our development it could be re-stripped and parking could be arranged on the east side. Mr. Rafidia owns the shopping center to the south and he has turned that into a very successful shopping center. For our site we are suggesting 16 auxiliary parking spaces at the center that are within 525 feet. **J. Pikarski** mentioned that the front of our property is 300 plus feet so it is not much to walk to the 16 parking spaces. With those 16 spaces we have a total of 137 parking spaces and that brings us to a 1.31 parking ratio with the auxiliary parking spaces that are only 525 feet away. We will clear that sidewalk when there is over 2" of snowfall in addition to plowing our site for people that are walking to the auxiliary parking. That is about a 2-1/2-minute walk. That is a standard from IDOT. Our parking allocation plan is for each tenant to have a space on site, first come, first serve. After the 104 spaces are allocated the 17 additional spaces will be on a first come, first serve basis. Some people may not want them. That would leave a surplus on site. After all of the 121 spaces on site are allocated that would give everybody 1 space and any auxiliary demand would be in our auxiliary parking area. The national standard used in the industry says that 1.15 spaces for a TOD is what is required. Your code calls for 1.25 spaces, which is not unreasonable. We just finished a project in Glenview with 1.18 spaces 200 feet from a Metra station with no auxiliary parking. Elmhurst has a project with 1.26 spaces per unit



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and Villa Park at their Metra station with 1.28 spaces per dwelling. I think with that auxiliary parking we have safeguards built in and we have right-sized the parking. I think this project is going to bring a tremendous benefit to your downtown. You have a nice historical downtown, which some communities would give their left arm for and this will bolster that economic activity. **J. Lemberg** there are only 2 sump pumps for this building. Is that going to be enough? **M. Haylock** we have not fully engineered the building yet, but tentatively, we feel that 2 sump pumps are going to be enough. These will be commercial basins and pumps. **J. Lemberg** where will the water be pumped to. **M. Haylock** it will go into the storm system on site, down the street and into the detention basin like all of the other buildings in the area. **J. Lemberg** where will you push the snow? **M. Haylock** it will be taken off site.

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

Mary Jo Schulte, 267 E Railroad Avenue we have very limited overnight parking. I live in a condo. People that do not have 2 spaces park in the parking lot behind us between the building and the shops. I fear that you do not have enough parking for everybody. The businesses are not going to have room for their customers. Introducing over 100 cars into the area is going to create a lot of traffic. The parking at Metra is only free after 11:00 am and you cannot park there at night. **Jack Kennedy, 275 Railroad Avenue** my wife and I have lived in Bartlett for 43 years. We have watched Bartlett grow without losing its charm. Expansion has been modest, but the proposed building at 5 stories is too tall and out of character with the surrounding neighborhood. Please limit this project to no more than 4 stories maximum height as our current ordinance reads. That would also solve the parking deficiency. **Mary Mulluzzi, 271 E. Railroad Avenue** we are concerned with the variances being requested. In 2003, the buildings approved were 3 stories, not 4 stories. The proposed building's height is out of character for our downtown and certainly out of character with the existing town center's buildings and will dwarf the surrounding buildings. The parking is insufficient. What is the impact donation? What are the occupancy limits of the apartments? If units go unrented will there be special incentives allowed? How confident is the petitioner that he will fill 104 units? **Robin Dubiel, 271 E. Railroad Avenue** I am asking that you not allow a 5-story building to be built with only 121 parking spaces. Please take into consideration that there is no guest parking. If the variation is approved this is going to create a real problem for the tenants as well as the neighborhood. I believe if a 5-story building is built it will be detrimental to the public and welfare of the neighborhood, specifically our downtown area. **Bruce Dubiel, 271 E. Railroad Avenue** I hope that you all read the narrative and petition that was signed by 55 residents or more. I would think that even though the developer owns the shopping center he would need a variation to take those spaces for the auxiliary parking. I think this building is too tall. Our input should matter. We do not want to stop this project. We simply want a project that will be a good fit for our community and something we can celebrate. Please hold this project to 4 stories. **Russ Graziano, 271 E. Railroad Avenue** I am the president of Bartlett Town Center II Condo Association. The association is not opposed to development of the land in question, but does have concerns regarding the proposal. We find a disconnect between the proposed building and existing buildings and fear a major problem with the proposal's allotment of parking. We believe from experience that the forecasting is in error. We have had owners sell their condos and move out because of the parking situation. In fact, in soliciting for the petition that we turned in, my neighbor informed me that he is going to sell his unit because his fiancée will not be able to park once they get married. There is no convenient alternative in and around downtown Bartlett. There is a Village ordinance that prevents



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overnight parking on all of the streets and the more distant community parking lots do not allow overnight parking. Where does the overage go? I am sure there will be overage. You cannot live in our downtown community without a vehicle. The project requires more parking than is planned for. We believe that granting the parking variation request runs contrary to Bartlett's standard for variation and would be detrimental to the public and the neighborhood. **Terry Daniello, 271 E. Railroad Avenue** we understand that variances are regularly granted, but this site has specific requirements for development. We are putting our trust in you to act as representatives for the community and not just one entity. **Jeannine Ames, 737 Candleridge Court** I have concerns about the size of the building and storm water. Even though we have detention ponds we still flood. Take into consideration with the size of this building where the water is going to go. We have 328 units in Hearthwood Farms. Every unit has 2 parking spaces, 1 in the garage and 1 on the driveway. In addition to the 656 parking spaces we have 105 overflow parking spaces for visitors and we have cars parked on the street. I think you need to reduce the size of the building and make it where people can live there and not have to worry about parking. **Emeli Solis, 271 E. Railroad** when I found out that this building was going to be built, I decided I wanted to move. I used to live in Addison with the same type of building that is being built, but I could not sleep because of the loud noises and the police being called multiple times. I moved to Bartlett and fell in love with the peace and quiet that we have. I am currently looking for a place to move to because this will be built. I am a health professional and most of the work that I do is at apartment buildings. One of the most difficult things is finding parking especially at this type of unit. We do emergency calls and can go out late at night and that is a safety concern. **Hector Solis, 271 E. Railroad** I currently have 1 parking spot and we have 2 cars so I have to park at the Metra overnight. In the winter, I wake up early to move my car and keep the spots cleared for the people that pay for that parking to go downtown. When I buy groceries and bags to bring in I go underground to unload and many times I have gotten calls and emails about blocking that spot. That is frustrating to not have a spot. Normally, the parking lot is full. **Jay Longfelder, 415 S. Hickory Avenue** in the Village of Bartlett Committee minutes from January 10, 2021 there is a Puckett Reserve concept plan review with 15 acres and the proposal we are addressing tonight has 1.873 acres with 104 units. Puckett Reserve was 146 apartments on 15 acres with 309 parking spaces. We have ordinances to protect the community. I am concerned about the capacity of the building and the parking spaces.

J. Lemberg closed the public hearing portion of the meeting.

A. Hopkins clearly parking is a big issue. I think our Village ordinance is not correct and we need to have more parking for developments. I always point to the Savoury area. There is not enough parking. Clearly, town center does not have enough parking. There was a study done for that which said it was adequate and that was incorrect. Is there a way to eliminate units to have adequate parking? I think on-site parking is important. Off site is nice for overflow, but at this price point this is going to be for people ages 24 to 35 so you are going to have 2 vehicles. Is there a way to reduce the size of this building to accommodate the actual number of cars that are going to be there? **W. James** the Village has a plan for the town center with standards. We are asking for a 9-space deviation from that to be compensated by 16 or more auxiliary spaces on property with the same owner. I do beg to differ with you that you are going to have people with 2 and 3 cars living here. You are talking about the inconvenience of people living on the site. We are not talking about impacting people on other properties. If someone has to get up at 6:00 am to move their car that is what they choose to do. If



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that is the arrangement that they have chosen to live in, they have chosen that. I think people will self-select and if they have 2 or 3 cars they are not going to live here they are going to live where they have an abundance of parking. If you want an abundance of parking you are not going to get a quality town center because you are going to have a lot of parking and not have synergy or a walking/pedestrian environment. I think all of the concern about parking is really subterfuge for perhaps not wanting a 5-story building. We are asking for 1 story in excess of the standard. We are not asking for any variances because we are in the downtown overlay district and deviations would be major design exceptions, which have a different criterion, which I have addressed in my report. In terms of reducing the number of units, I can defer to the owner, but I am sure that answer is no. They want you to respond to the proposal as it is and they cannot reduce the number of units to exceed the amount of parking required by your ordinance. **A. Hopkins** have there been any sound studies done? My concern is the north side of town and vibrations from the train heading north. Was there a study done in that regard? **W. James** there are not study requirements in your ordinance for acoustical vibrations or the impact across the railroad tracks. You are going to have some vibration from the buildings that are there now and we are going to be 1 story taller than the building to the west of us. The answer is no, we have not done an acoustical study. **A. Hopkins** where is the retention pond for the storm water runoff? How big are the pipes and how much water is expected to runoff?

Azzam Hamdan I have been an engineer for 30 years working with construction and design. The detention has already been designed and approved by MWRD and the Village. When Asbury Place was developed the detention requirement was 4.06 acres per foot and the detention provided was 15.48, which is 3 times more than what was required. There is no way this site will not be able handle the detention that exists right now. The storm water goes to the structure on the northwest corner of Railroad Avenue and Prospect Avenue with a 4" restrictor. There is no way with that size that the runoff will flow somewhere else. **M. Hopkins** is the intent of the developer to own it and sell it or to hold it and manage it? **J. Pikarski** my client's intent is to build, own and keep the property. They have 10 other properties that they also own. This will be rental. They are asking you to allow them to invest \$15 million in this site. They intend to keep it in tip-top shape. **M. Hopkins** what is the elevation of the corner unit? **M. Haylock** it cannot be more than 2 feet. **M. Hopkins** what is the height of the windowsill for the bedroom? **M. Haylock** it is roughly 3 feet. That is a secondary bedroom. **M. Hopkins** the window wall is looking east towards Berneau Avenue right at the sidewalk. What is the distance between that window and the public sidewalk. **M. Haylock** right now it is 10' 10" if you measure it to the existing sidewalk. **M. Hopkins** that is street level. **M. Haylock** yes. **M. Hopkins** when we go to the existing town center building some of those facades are about 10' away, but they are elevated about 4' and that makes a huge difference in terms of separation. The units along Berneau Avenue will have windows that look right out to the public sidewalk. Can this building be pushed west? **M. Haylock** a lot of that has to do with wanting to provide a nice radius to turn into the garage. **M. Hopkins** that radius is very generous there. **M. Haylock** is this a concern of safety or privacy. **M. Hopkins** for privacy. When I look at the rendering it looks like retail on the first floor because it is kissing up close to the sidewalks and the street. We have a conflict between the public just a few feet away from a bedroom and that does not happen anywhere else in this Village. **M. Haylock** we have offered a lot of different choices. The person that likes to live in a private home is not going to be comfortable living in an apartment building. The style of living for a person living on the first floor with a first-floor patio is a different from the person living on the second floor or the top floor. We only have 2 units that are facing that street and even



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though it is close to the sidewalk it is much more of a quiet street. I feel it is just a matter of choice. If it becomes a problem where we cannot rent this because it is too close there are options. The particular window that we are talking about is not a requirement in that unit. We could close it off in the inside so that person does not have the issue, but it still looks the same on the outside. At some point, they could put in taller landscaping for more privacy. Everybody on the first floor is going to be at a lower level. That is just a matter of choice. We are trying to keep the building height down. Obviously, we could have raised the building up 4 feet, but we did not want to increase it even higher. We are trying to minimize the height of the building as much as we can. **M. Hopkins** I am trying to find a way to reconcile this in terms of a good site design. The Plan Commission is not here to vote on variances and setbacks, but just to address the height of the building. The mass of the building is just too much. There is a case to be made that rental parking is self-regulating in that if you do not provide enough you will not be able to keep it leased up. **R. Grill** staff has been working on that issue. We have looked at providing overnight free parking 24 hours 365 days a year on Berteau Avenue on the east side. We have put together a plan for 23 parking spaces. These could be utilized by anyone. We are hearing that the condo owners are short of parking. If they have guests, they can park here. If the apartment people need parking, they can park here. If you take these 121 spaces and the 16 spaces at the shopping center that gets you to 1.31 parking spaces per unit. If you take the onsite parking of 121 and add the 16 from the shopping center and just 14 of the 23 spaces on Berteau Avenue you are at 151 parking spaces available, which brings it up to 1.45 spaces per unit and if they utilize all 23 spaces of the on-street parking on Berteau Avenue you get a total of 160 spaces or 1.53 parking spaces per unit. The existing condo buildings 1 and 2 were granted 1.45 spaces per unit. That was amended for building 3 and building 3 was built with 1.30 spaces per unit. I just want to put this into perspective. In addition, staff is also working on overnight parking at the Metra station on the north side of the tracks. That area is underutilized. In Geneva, Barrington and other cities, the 24-hour overnight parking is quite a distance from the train station for a reason, because people are willing to walk farther if they are going to leave their car there for days. During the week there would be a fee; however, on holidays, after 11:00 am and on weekends, it would be free. **J. Miaso** with the 14 spaces that you are counting, half of those are contemplated cars on Berteau Avenue. What would the usage rules be for those cars? **R. Grill** overnight, 24 hours, on street. **J. Miaso** somebody could leave their car there for 9 days? **R. Grill** yes, that would be okay. **A. Hopkins** are you widening Berteau Avenue for this? **R. Grill** no. **A. Hopkins** the reason we cannot do parking on a regular street is because of safety concerns, but we are going to allow it here. **R. Grill** this street is a low-traffic generating street and there are quite a few turn lanes on this street with striping and it is fairly wide. **M. Hopkins** if we got past all of the other issues except for this and said yes to this it would be conditional to any approval, right? **R. Grill** yes. **C. Deveaux** what is to prevent the Village from building a parking lot in the open area at the southeast corner of Berteau Avenue and Railroad Avenue? **R. Grill** that property is owned by Metra. **G. Koziol** what about snow removal? **R. Grill** that is still under discussion. We do not know if we would allow cars to stay there or require people to move their cars after a 2" snowfall. That has not been decided at this time. **G. Koziol** that could make it difficult for people who think they have a legitimate parking space if it snows. **R. Grill** the cars could remain. They do that in many places. We could just plow the street. **A. Hopkins** I definitely applaud staff for looking into the parking and finding all of this parking. I think it is upon the developer to find out how to get adequate parking for their site. I do appreciate staff finding these other solutions because there are solutions there that may need to be utilized in the future. I am glad these options have been presented. **G. Koziol** when I saw this plan first proposed I



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was excited because it is an area that I have longed to see developed. As I started to look at this, I asked myself, what about the parking? I understand what the TOD is trying to accomplish, but when I saw there was 104 units, my first thought was to take 52 units or 52 additional parking spaces because half of the 104 units are going to have 2 cars. I do not agree with the fact that you think there is going to be that low of a requirement for parking. The issue now with Metra parking is that you cannot park overnight. You may be able to park there overnight in the future, but we cannot count on that. Metra may or may not allow us to do that. The Metra parking might be convenient for guests, but I do not think it is convenient as it exists today for the residents. **B. Bucaro** are the 16 auxiliary parking spaces firmed up and part of the plan? In the traffic study it is referenced, but my question is, will that be part of the formal plan? What if the petitioner sells the shopping center? Is there a covenant that the new owner has to abide by the 16 parking spaces being available to the apartment building? **W. James** it would be part of the new planned development ordinance, so yes, it is a formal part of the proposal and it would be binding and there would not be the potential for that auxiliary parking to be separated and unavailable to the apartment development. **T. Doron** the shopping center, which has the same owner, has 535 parking space and they are required by code to have 423 so they are way over parked. They have more parking than they need. As part of the ordinance, we would include the 16 spaces. We can go beyond 16 spaces. Those are 16 on the east/west access at the far north end of the property. There are other spaces available any time. There would also be a security system employed at that point to watch those cars at night. You either buy into the concept of TOD or not and in a town center like this, this will be market driven. I guarantee that the people who move here will not have 3 cars that is based on national data. There are very specific standards for this with suburban TOD sites within a half mile of a train station. Those are accurate figures that are widely used in the industry. It would not be to the benefit of the owner to build this and invest the money if it was not market driven. **J. Pikarski** we can restrict the off-site parking/auxiliary parking via a restrictive covenant so that there will be a permanent easement as to the number of parking spaces that we ultimately settle on and that easement will run from the current owner and with the land so that it would be incumbent upon any future purchasers and would run to the ownership of the proposed project. **M. Werden** I think several people have made valid points. When Town Center was first proposed there were a lot of people that were shocked at the height of the building and complained about the height. As we move out from the Town Center, I think it would be natural to see something this height that is only going to be about 6' higher than the roof line of the development to the west. North of the tracks there is nothing there that this would intrude. It is an isolated area as far as height. The parking, I was a little squeamish about, but I think with what the Village is proposing, we are overcoming it. When you look at the square footage of the unit, it is not going to attract large families and why would you rent a high-end apartment if you knew you would not have enough parking. That would not make sense. You are going to have a higher caliber of people who are going to do some planning and since it is a rental unit, they are not making a 30-year mortgage investment. When their lease is up, they can look somewhere else if parking is their issue. **B. Bucaro** I know the petitioner has 12 properties. Are they all shopping centers or is there also residential? **M. Rafidia** I have 1 residential in Lakeview and 11 commercial properties. **M. Werden** the petitioner has a good track record of what he can do. I think the beauty of this building with 2 fronts and no back is phenomenal. We do not have that in Bartlett right now. I think this would be an asset and a good thing to get on the tax roles for the Village of Bartlett. **B. Bucaro** my concern is not with the parking. People who decide to rent here, it is their option and they will know what they are getting into. I cannot believe that the petitioner is going to



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spend \$15 million and turn tenants away because there is a parking problem. That does not make sense. Looking at the shopping center, the petitioner is not that kind of business person. My concern is that it does not negatively affect residents of the Town Center. They have their parking and have overflow parking. How can the Village help to assure that the parking for the retail and the condos is not used by the residents of the apartment buildings? **R. Grill** the property owner currently takes care of that now and the Village does hear about that sometimes. **B. Bucaro** what is the likelihood of the Berteau Avenue street parking happening because it has a bearing on how I would vote. **R. Grill** I think the chances are very good. **M. Werden** I think it makes a huge difference too. That was a big turning point for me. I have never seen the Village be so proactive trying to resolve this issue. We want the Town Center to improve and grow. I think this would be a big asset. **M. Sarwas** in addition to the 16 parking spaces, how many more parking spaces would be available in the shopping center? **M. Rafidia** south of the 16 parking spots, next to the Montessori school there is space for 32 additional parking spots and that would still be within 500-600 feet from the building. **M. Sarwas** that is significant. **M. Rafidia** in regard to the ownership of the 2 properties, we will be recording a permanent easement. Even if we sell the shopping center in the future the new owners will have to honor the easement. **J. Miaso** can anyone park on Berteau Avenue 24 hours. **R. Grill** yes, anyone can park there 24 hours. **J. Miaso** could there be permit parking there? **R. Grill** we are not proposing permit parking at this time. **M. Hopkins** is there any way to get an increased setback on Berteau Avenue? Is there something you can do with the site plan and layout to get that to about 15 feet? Is there a way to draw the building further away from Berteau Avenue? **M. Haylock** not much. We could probably pick up a few feet. We have moved this building about 10 times over the last year and changed the parking at least that many times to try to improve it. It looks like there is a lot of room on the west side, but it is really tight. **M. Hopkins** without that commitment I just cannot do it. I can get past the parking and grit my teeth on the height, but that just kills it for me. I just cannot imagine walking by and driving by the condition. There is a huge radius at the bottom of the driveway and you are doing that for 2 overhead doors. Can you do 1 overhead door and make it a tighter turn with an 18' door? **M. Haylock** we need 2-way traffic. **M. Hopkins** you are being generous on the west side and pinching the east side to the point where I think it is dysfunctional and I am going to be a no. **M. Haylock** we cannot commit to 15 feet. That is just too much. **M. Hopkins** show me another place in the Village of Bartlett where you have a bedroom window that close to a property line. **W. James** it is difficult to argue against your own standards that you have in your ordinance. It is hard to conform to an urban-type development. **M. Hopkins** we have a form-based design, which is a performance-based design for our overlay district specifically so that we have the latitude to be able to say yes to a good design. I think we have to say no to a bad portion of the design and this building is nice, I cannot complain about that. It is just too close to Berteau Avenue. **M. Werden** you are looking at 1 bedroom in 1 unit out of 104 units and when this building is built nobody is forcing somebody to rent that unit. **M. Haylock** that window is not required for that particular unit, but I would rather leave the window. **A. Hopkins** I would hate to build something and say "if you want to live here, you can live here." I think that is a horrible way to develop something. The bottom level is going to have lights shining in the windows with car lights constantly. That is an issue.

J. Kallas made a motion to pass along a **positive recommendation** to the Village Board to approve case **(#20-16) Residences at Bartlett Station (Site E)** for a Second Amendment to Ordinance #2003-



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123 to allow for 104 residential apartments in one building subject to the conditions and findings of fact outlined in the staff report.

Motioned by: J. Kallas
Seconded by: J. Miaso

PC Roll Call

Ayes: None

Nays: John Miaso, Austin Hopkins, Jerry Kallas, Mark Hopkins, Jim Lemberg

The motion failed to pass.

A. Hopkins made a motion to pass along **a positive recommendation** to the Village Board to approve case **(#20-16) Residences at Bartlett Station (Site E)** for Amending the Special Use for a PUD to allow for 104 residential apartments in one building subject to the conditions and findings of fact outlined in the staff report.

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

PC Roll Call

Ayes: None

Nays: John Miaso, Austin Hopkins, Jerry Kallas, Mark Hopkins, Jim Lemberg

The motion failed to pass.

J. Kallas made a motion to pass along **a positive recommendation** to the Village Board to approve case **(#20-16) Residences at Bartlett Station (Site E)** for Amending the approved Preliminary/Final PUD Plan (Residential Site Plan) subject to the conditions and findings of fact outlined in the staff report.

Motioned by: J. Kallas
Seconded by: J. Miaso

PC Roll Call

Ayes: None

Nays: John Miaso, Austin Hopkins, Jerry Kallas, Mark Hopkins, Jim Lemberg

The motion failed to pass.

J. Kallas made a motion to pass along **a positive recommendation** to the Village Board to approve case **(#20-16) Residences at Bartlett Station (Site E)** for Amending the following Exhibits: Residential Site Plan – Exhibit E-2, Residential Building – First Floor Plan – Exhibit E-4, Residential Building – Garage Floor Plan – Exhibit E-5, Landscape Plan – Exhibit E-6, Building Elevations – Exhibit E-7 (SK-007, 008), and



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Modifications to Bartlett Zoning and Subdivision and PUD Ordinances - Exhibit E8 #3 attached to Ordinance #2003-123 subject to the conditions and findings of fact outlined in the staff report.

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

PC Roll Call

Ayes: None

Nays: John Miaso, Austin Hopkins, Jerry Kallas, Mark Hopkins, Jim Lemberg

The motion failed to pass.

J. Kallas made a motion to pass along **a positive recommendation** to the Village Board to approve case **(#20-16) Residences at Bartlett Station (Site E)** for a First Amendment to Ordinance #2005-124 to allow for 104 apartment units in one building subject to the conditions and findings of fact outlined in the staff report.

Motioned by: J. Kallas
Seconded by: J. Miaso

PC Roll Call

Ayes: None

Nays: John Miaso, Austin Hopkins, Jerry Kallas, Mark Hopkins, Jim Lemberg

The motion failed to pass.

J. Kallas made a motion to pass along **a positive recommendation** to the Village Board to approve case **(#20-16) Residences at Bartlett Station (Site E)** for Amending the following Exhibits attached to Ordinance #2005-124: Residential Buildings 3, 4, & 5 First Floor Plan – Exhibit 1, Residential Buildings 3, 4 & 5 Second/Third Floor Plan – Exhibit 2, and Residential Buildings 3, 4 & 5 Elevations – Exhibit 3 subject to the conditions and findings of fact outlined in the staff report.

Motioned by: J. Kallas
Seconded by: J. Miaso

PC Roll Call

Ayes: None

Nays: John Miaso, Austin Hopkins, Jerry Kallas, M. Hopkins, and Jim Lemberg

The motion failed to pass.

A. Hopkins made a motion to pass along **a positive recommendation** to the Village Board to approve case **(#20-16) Residences at Bartlett Station (Site E)** for Plat of Consolidation subject to the conditions and findings of fact outlined in the staff report.



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Motioned by: A. Hopkins

Seconded by: J. Miaso

PC Roll Call

Ayes: J. Miaso, A. Hopkins, M. Hopkins

Nays: J. Kallas, Jim Lemberg

The motion carried.

M. Sarwas made a motion to pass along **a positive recommendation** to the Village Board to approve case **(#20-16) Residences at Bartlett Station (Site E)** for the following variation from the Downtown Zoning Overlay District (Form Based Code) subject to the major design exceptions and findings of fact outlined in the staff report: **10-9C-3.C.3 – Other Frontage Build-to Zone – Corner Side Yard Setback**

Motioned by: M. Sarwas

Seconded by: C. Deveaux

ZBA Roll Call

Ayes: G. Koziol, B. Bucaro, M. Sarwas, and M. Werden

Nays: J. Banno, C. Deveaux

The motion carried.

M. Sarwas made a motion to pass along **a positive recommendation** to the Village Board to approve case **(#20-16) Residences at Bartlett Station (Site E)** for the following variation from the Downtown Zoning Overlay District (Form Based Code) subject to the major design exceptions and findings of fact outlined in the staff report: **10-9C-3.C.6 – Minimum Rear Setback**

Motioned by: M. Sarwas

Seconded by: C. Deveaux

ZBA Roll Call

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

Nays: None

The motion carried.

M. Sarwas made a motion to pass along **a positive recommendation** to the Village Board to approve case **(#20-16) Residences at Bartlett Station (Site E)** for the following variation from the Downtown Zoning Overlay District (Form Based Code) subject to the major design exceptions and findings of fact outlined in the staff report: **10-9C-3.C.8[7] – Surface Parking & Loading Location – Rear Yard**



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Motioned by: M. Sarwas

Seconded by: C. Deveaux

ZBA Roll Call

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

Nays: None

The motion carried.

M. Sarwas made a motion to pass along **a positive recommendation** to the Village Board to approve case **(#20-16) Residences at Bartlett Station (Site E)** for the following variation from the Downtown Zoning Overlay District (Form Based Code) subject to the major design exceptions and findings of fact outlined in the staff report: **10-9C-3.D.1 – Maximum Height**

Motioned by: M. Sarwas

Seconded by: C. Deveaux

ZBA Roll Call

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

Nays: None

The motion carried.

M. Sarwas made a motion to pass along **a positive recommendation** to the Village Board to approve case **(#20-16) Residences at Bartlett Station (Site E)** for the following variation from the Downtown Zoning Overlay District (Form Based Code) subject to the major design exceptions and findings of fact outlined in the staff report: **10-9C-4.D – Table C. Prohibited Materials**

Motioned by: M. Sarwas

Seconded by: C. Deveaux

ZBA Roll Call

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

Nays: None

The motion carried.

M. Sarwas made a motion to pass along **a positive recommendation** to the Village Board to approve case **(#20-16) Residences at Bartlett Station (Site E)** for the following variation from the Downtown Zoning Overlay District (Form Based Code) subject to the major design exceptions and findings of fact outlined in the staff report: **10-9C-5.D.1 – Table E. Minimum Parking Spaces**

Motioned by: M. Sarwas

Seconded by: C. Deveaux



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ZBA Roll Call

Ayes: G. Koziol, B. Bucaro, M. Sarwas, and M. Werden

Nays: J. Banno, C. Deveaux

The motion carried.

M. Werden would the Village Board have to have a two-thirds vote to overrule the Plan Commission?

R. Grill I will have to check with our village attorney.



Village of Bartlett
Joint Special Meeting of the Zoning Board of Appeals and Plan Commission Minutes
July 1, 2021

Old Business/ New Business

R. Grill stated that each of your commissions will have a case next month so you will have a Zoning Board of Appeals meeting and a Plan Commission meeting separately on your regularly scheduled dates.

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


Motioned by: J. Miaso

Seconded by: M. Hopkins

Motion passed by unanimous voice vote.

The meeting was adjourned at 10:22 pm.

PLANNING AND DEVELOPMENT SERVICES MEMORANDUM
21-109

DATE: November 18, 2021
TO: The Chairman and Members of the Zoning Board of Appeals
FROM: Devin Kamperschroer, Associate Planner 
RE: **(#21-19) 985 Auburn Ln**

PETITIONER

Anthony Zumpano

SUBJECT SITE

985 Auburn Ln.

REQUEST

Variations – Front Yard, Corner Side Yard, Side Yard, and Rear Yard

ZONING HISTORY

The property was annexed into the Village in 1960 by Ordinance #1960-01 and zoned R-1 Single Family Residence District. The property was rezoned to the ER-2 Estate Residence District as a part of the 1978 comprehensive rezoning of the village. The property was then rezoned to the ER-3 Estate Residence District by Ordinance #1981-20. The property is located within the Bartlett Estates Subdivision which was recorded in 1978.

DISCUSSION

1. The subject property is zoned ER-3 (Estate Residence Single Family).
2. The drawing submitted in 1986 for the original building permit showed the house built to the building line. A spot survey or as built was never submitted to the Village for an accurate review to take place.
3. A building permit was issued in 1989 for a room addition onto the rear of the home. A plat of survey was not included with the permit application.

4. The petitioner demolished the room addition in 2021 as it had fallen into disrepair, and applied for a building permit for a new three season room which matches the original footprint.
5. The plat of survey submitted with the permit application to reconstruct the three-season room shows the existing house encroaching into the front, corner side, and side yards and the proposed addition encroaching into the rear yard.
6. The petitioner is requesting a 4.16-foot variation from the 40-foot front yard, a 0.44-foot variation from the required interior side yard, and a 0.15-foot variation from the required corner side yard to bring an existing structure into compliance and a 10.46-foot variation from the 70-foot required rear yard to allow for the construction of a three-season room.
7. The residence is located 73.46 feet from the rear property line. The petitioners are proposing to rebuild a 16 foot by 14 foot three-season room off the back of the house. The proposed three-season room addition would be located 59.54 feet from the rear property line to match the previously approved three-season room, and will match the existing house architecturally.
8. If the variations are approved, the house would be brought into conformance and the permit to construct the three-season room could be issued.

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 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, sustains all the conditions enumerated above.

Background material is attached for your review and consideration.

dk/attachments

X:\Comdev\mem2021\109_985 Auburn_zba.docx



Zumpano Builders Incorporated

General Contractors & Builders

(708) 819-2641

**1452 Mackenzie Lane
Elgin, Illinois 60120**

Anthony Zumpano – President

RECEIVED
PLANNING & DEVELOPMENT

NOV 31 2021

VILLAGE OF
BARTLETT

October 31, 2021

TO: The President of the Board & Trustees

**RE: Property Address: 985 Auburn Lane,
Bartlett, Illinois 60103**

**Thank You for the opportunity to petition for this variance for
985 Auburn Lane, Bartlett Illinois 60103 owned by Kathy Dice.**

**The Encroachment to this Property was brought to my
Attention when I (Anthony Zumpano) submitted a Drawing to rebuild
An existing Four- Seasons Room Attached to the rear of Home built
Originally with the House in 1986.**

**At the Time this Home was Built in 1986 a Survey from a Registered
Land Surveyor was not giving to the Village of Bartlett.**

**The only Document which Bartlett had on File was a Hand drawn
Survey by an unknown Person that did not show any setbacks or
Encroachments. I am entering this Hand drawn Document as
Exhibit A.**

**The Village of Bartlett should not have accepted such Document.
I am also Entering a Document from a Registered Land Surveyor
As Exhibit B, Showing the Proper Setbacks and all the**

Encroachments to this Property.

In Closing, this issue clearly could have been avoided had the Proper review process taken place at the Building Department At the Time this Home was originally Built in 1986.

This Variance will bring this Home to Code and there will be Nothing to gain from Granting Approval.

Thank You

 11-1-2021

Anthony Zumpano (Petitioner)

 11-1-2021

Kathy Dice (Homeowner)



VILLAGE OF BARTLETT VARIATION APPLICATION

#2021-19
For Office Use Only
RECEIVED
Case # PLANNING & DEVELOPMENT
NOV 01 2021
VILLAGE OF
BARTLETT

PETITIONER INFORMATION (PRIMARY CONTACT)

Name: TONY ZUMPAÑO
Street Address: 1452 MACKENZIE LANE
City, State: ELGIN, ILLINOIS Zip Code: 60120
Email Address: ZUMPAÑO BUILDERS INC Phone Number: 708-819-2641
Preferred Method to be contacted See Dropdown COMCAST.NET

PROPERTY OWNER INFORMATION

Name: KATHY DICE
Street Address: 985 AUBURN LANE
City, State: BARTLETT, ILLINOIS Zip Code: 60103
Phone Number: 1-630-289-2568 OR 1-630-373-0015 (CELL)

OWNER'S SIGNATURE: Kathy Dice Date: Nov. 1, 2021
(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.)

11'-0" IN REAR OF HOME FOR EXISTING SUN-ROOM / RIGHT FRONT CORNER OF HOME ABOUT 6'-0" / LEFT FRONT CORNER 5" / LEFT SIDE OF HOME DIRECTLY ON BUILDING LINE.

PROPERTY INFORMATION

Common Address/General Location of Property: 985 AUBURN LANE, BARTLETT

Property Index Number ("Tax PIN"/"Parcel ID"): 01-03-104-018

Acreage: 20520 sq.ft. / ABOUT 1/2 ACRE.

Zoning: See Dropdown (Refer to Official Zoning Map)

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

Attorney: _____
Surveyor: STEINBRECHER LAND SURVEYOR'S, INC. 1-630-293-8900
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.

THE PHYSICAL SURROUNDINGS & ITEMS
CREATED AT ORIGINAL CONSTRUCTION
HAVE CAUSED THIS HARDSHIP.

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.

THIS CONDITIONS ARE UNIQUE TO THIS
PROPERTY.

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

NO. WE ARE SEEKING THIS VARIANCE TO
BRING PROPERTY TO CODE FOR SETBACKS.

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.

NO IT HAS NOT. SETBACK VIOLATION WAS CREATED WHEN HOME WAS BUILT IN 1986. THE PROPER SURVEY WAS NOT REQUESTED BY THE VILLAGE OF BARTLETT AT THE TIME HOME WAS BUILT, SO IT WAS NEVER KNOWN THAT THERE WAS A VIOLATION.

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.

NO IT WILL NOT IMPACT THE NEIGHBORHOOD!

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.

THE APPROVAL WILL NOT IMPACT ANY OF THE NEIGHBORS!

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.

NO IT WILL NOT!

IT WILL CORRECT AND ISSUE WHEN THE HOME WAS BUILT IN 1986!

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:  _____

PRINT NAME: Anthony Zumpano _____

DATE: 10-31-2021 _____

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: _____~~

~~ADDRESS: N/A _____~~

~~PHONE NUMBER: _____~~

~~EMAIL: _____~~

~~SIGNATURE: _____~~

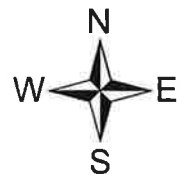
~~DATE: _____~~



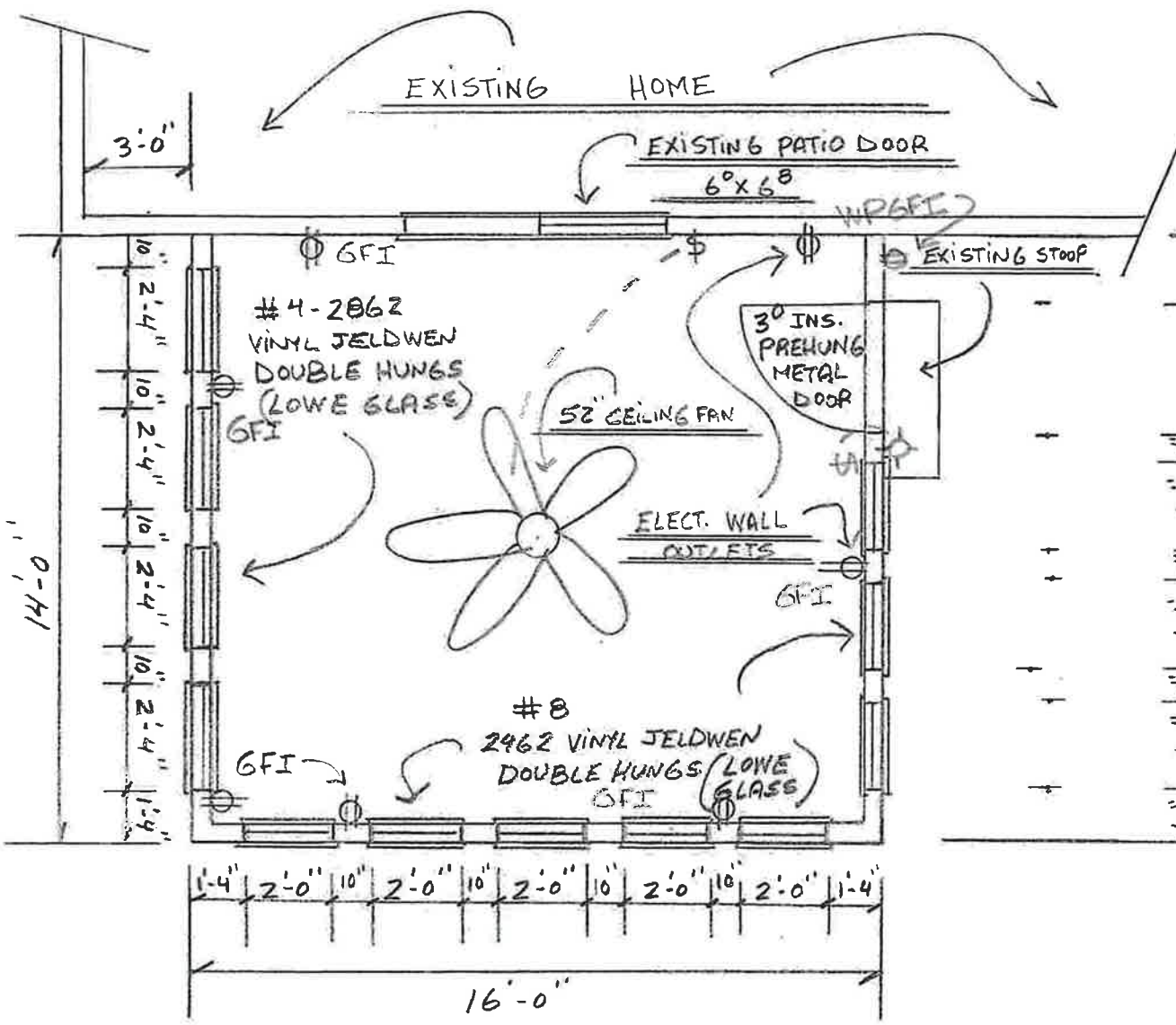
Location Map

Variations
985 Auburn Ln.
PIN: 01-03-104-018

2021

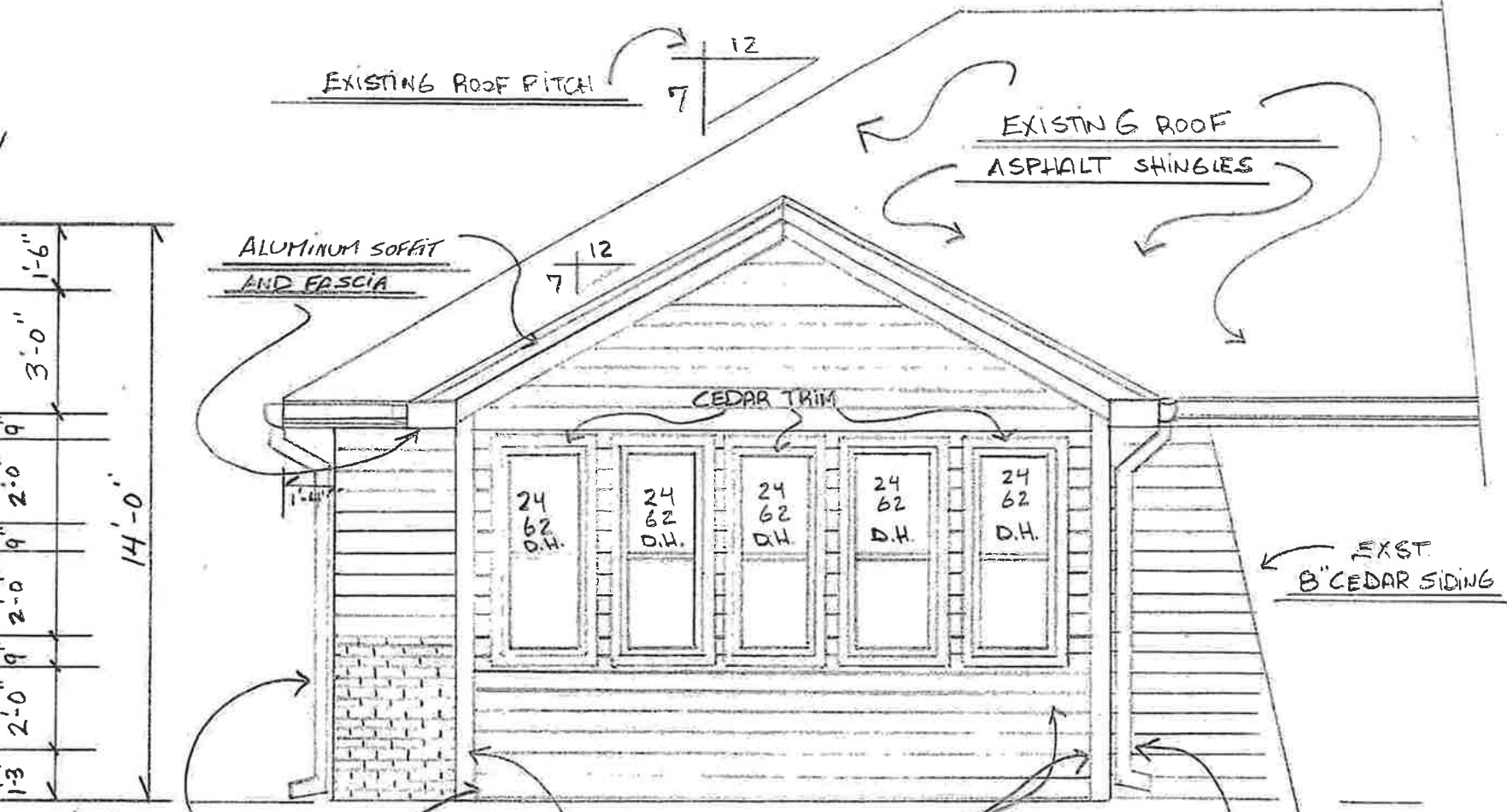


0 50 100 200 US Feet



FLOOR PLAN SCALE 1/4" = 1'-0"

* ALL OUTLETS GFI-ARCHFAULT PROTECTED
 * APPLICABLE CODES 2018 IAC/2017 NEC
 CEILINGS - N/A
 ROOFS - 30 PSF

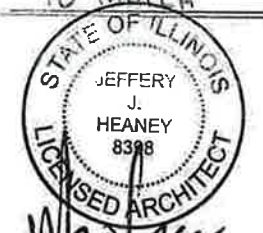


EXISTING ALUM. GUTTERS + DRS.

5/4 CEDAR BOARDS

NEW ALUM. GUTTERS TO MATCH

NEW 8" CEDAR SIDING TO MATCH



LIC. EXP. DATE DATE

SIGNATURE

REAR CERTIFICATION SCALE 1/4" = 1'-0"

I CERTIFY THAT THESE DRAWINGS WERE PREPARED IN MY OFFICE UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE CONFORM TO THE BUILDING AND ZONING ORDINANCES OF

ARCHITECT

ILLINOIS NO.

KATHY DICE 3-SEASON'S ROOM

OWNER: KATHY DICE
 ADDRESS: 985 AUBURN LN., BARTLETT
 DATE: 9-14-2021
 CONTRACTOR: ZUMPANO BUILDER'S INC.
 ADDRESS: 1452 MACKENZIE LANE
 ELGIN, ILL. 60120
 DRAWN BY: T.Z.
 SCOPE OF WORK: 3-SEASON'S ROOM

PAGE #1

PLAT OF SURVEY

OF LOT 143 IN FIRST RESUBDIVISION OF BARTLETT ESTATES, BEING A SUBDIVISION IN THE WEST HALF OF SECTION 3 AND THE EAST HALF OF SECTION 4, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 26, 1981 AS DOCUMENT R81-27069, IN DU PAGE COUNTY, ILLINOIS.

This property is known as 985 Auburn Lane, Bartlett, IL.

Prepared for Kathleen Dice

RECEIVED
PLANNING & DEVELOPMENT

NOV 21 2021

VILLAGE OF
BARTLETT

R. ARC = 10.00
RAD. = 610.00

AUBURN LANE

R = 82.99 = M

EASEMENT FOR C.E. CO., I.B.T. CO.,
PUBLIC UTILITIES & DRAINAGE

10 FT. BUILDING LINE

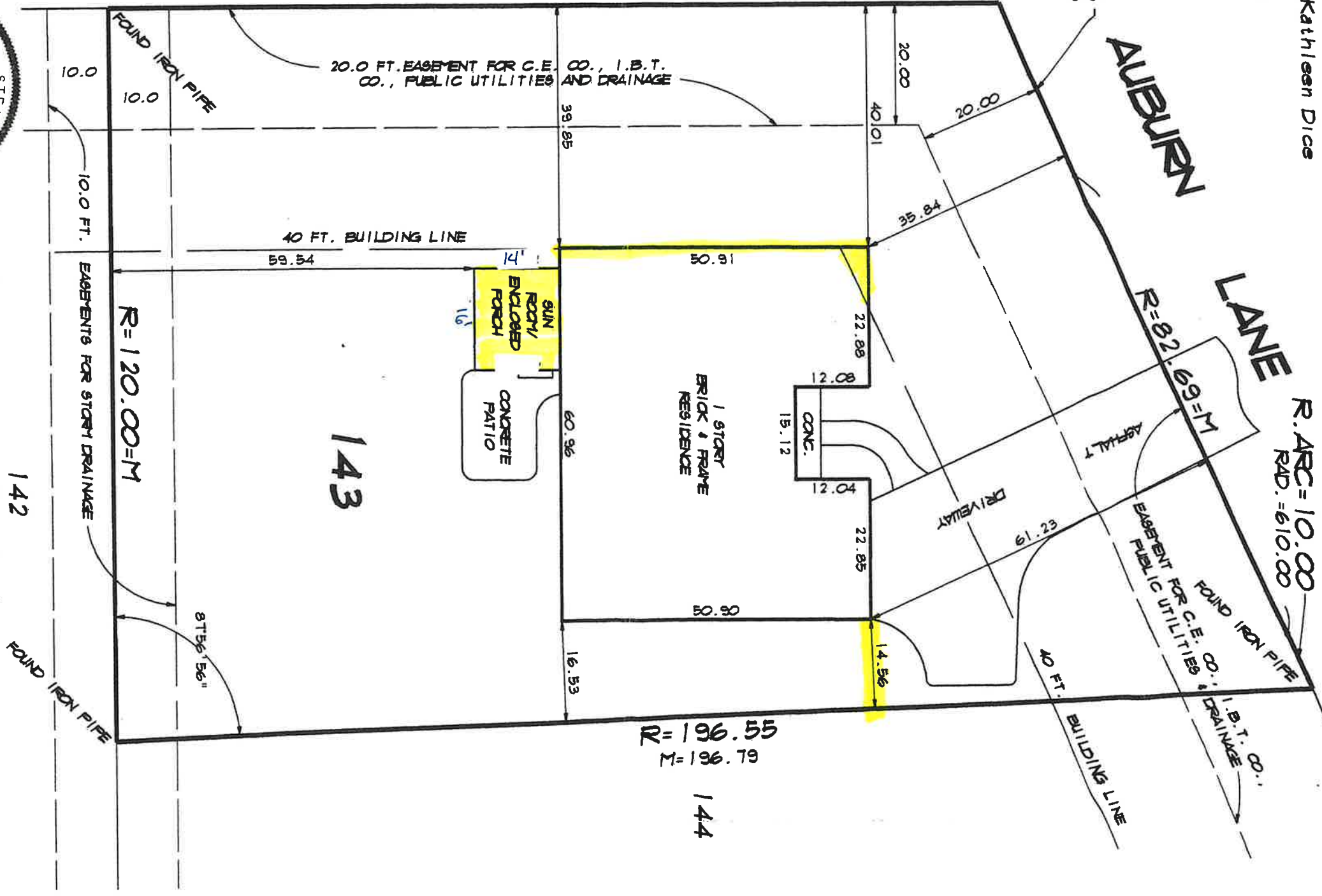
BRAINTREE LANE

R = 146.24 = M

20.0 FT. EASEMENT FOR C.E. CO., I.B.T. CO.,
PUBLIC UTILITIES AND DRAINAGE

40 FT. BUILDING LINE

BRAINTREE LANE



- LEGEND**
- F.I.P. - FOUND IRON PIPE
 - F.I.R. - FOUND IRON ROD
 - R. - RECORDED DISTANCE
 - M. - MEASURED DISTANCE
 - D. - DEED
 - R.O.V. - RIGHT OF WAY
 - R.A.D. - RADIUS
 - C.N.C. - CONCRETE
 - M.H. - MANHOLE
 - V.V. - WATER VALVE VAULT
 - I.N.V. - INVERT
 - P.V.C. - POLYVINYL CHLORIDE PIPE
 - R.C.P. - REINFORCED CONCRETE PIPE
 - T.C. - TOP OF CURB
 - E.P. - EDGE OF PAVEMENT



STATE OF ILLINOIS)
COUNTY OF DU PAGE) S.S.

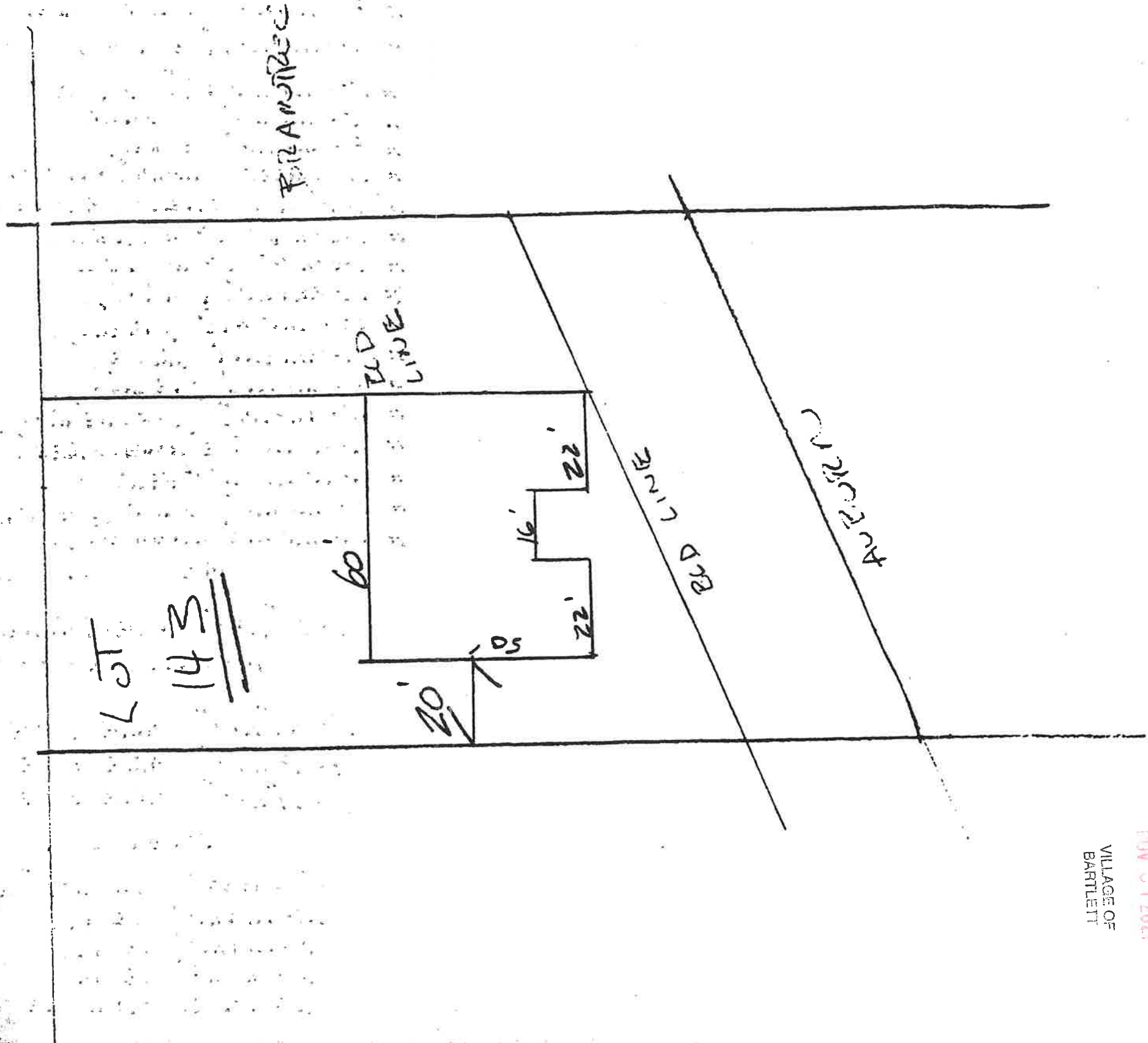
This is to certify that we, Steinbrecher Land Surveyors, Inc., Land Surveying Design Firm No. 184-003126, have surveyed the property shown and described on the annexed plat, which is to the best of our knowledge and belief, a correct representation thereof. This professional service conforms to the current Illinois minimum standards for a boundary survey.

West Chicago, Illinois, SEPTEMBER 2, 2021

Steinbrecher Land Surveyors, Inc.
Professional Land Surveying
Design Firm Corporation No. 184-003126
141 S. Neilnor Blvd., West Chicago, IL 60185-2844
(630) 293-8900 Fax 293-8902

Steinbrecher Land Surveyors, Inc., by
Richard J. Steinbrecher
Professional Land Surveyor 3583
My license expires November 30, 20 22

985



RECEIVED
 PLANNING & DEVELOPMENT
 NOV 31 2021
 VILLAGE OF
 BARTLETT


EXHIBIT A



PLANNING & DEVELOPMENT SERVICES MEMORANDUM
21-100

DATE: November 19, 2021

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

FROM: Kristy Stone, Village Planner 

RE: **#2021-14 Temporary Uses & Outdoor Dining Text Amendments**

Currently, outdoor seating for restaurants and bars requires a special use permit in the Zoning Ordinance. The Village of Bartlett temporarily relaxed the outdoor seating regulations for restaurants and bars and allowed temporary outdoor dining without having to obtain a special use permit for a limited time in an attempt to support businesses during the Governor's Restore Illinois Plan in 2020 and 2021. Temporary outdoor dining permits were required for those restaurants that provided outdoor dining during this time period. (*Charts of all the restaurants with special use permits for outdoor seating and restaurants with temporary outdoor dining permits are attached.*)

In addition to temporary outdoor dining areas, Staff has also received requests to allow other temporary uses, such as medical testing facilities within parking lots. The current Zoning Ordinance does not address uses that are only intended to be on a site for a limited period of time. During Staff's ongoing research of other communities' zoning ordinances, it was found that several have adopted Temporary Use chapters to address this new trend.

The Staff recommends the following text amendments to the Zoning Ordinance:

- Amend Titles 10-6A-4, 10-6B-4, 10-6C-4, 10-6D-4 and 10-7C-4: SPECIAL USES to remove the existing restaurant designations and replace with "Restaurants and lounges serving alcoholic beverages" in the B-1, B-2, B-3, B-4 and I-2 EDA Zoning Districts.
- Amend Titles 10-6A-5, 10-6B-5, 10-6C-5, 10-6D-5 and 10-7C-5: ACCESSORY USES to add "The outdoor service and consumption of food and alcoholic beverages in conjunction with a restaurant on the property" in the B-1, B-2, B-3, B-4 and I-2 EDA Zoning Districts
- Amend Title 10-3-2:B PERMITTED ACCESSORY USES AND STRUCTURES to add "Outdoor service and consumption of food and alcoholic beverages in conjunction with a restaurant on the property, in the B-1, B-2, B-3, B-4 and I-2 EDA Zoning Districts only, in accordance with section 10-3A-1 of this chapter".

- Creating Chapter 3A TEMPORARY USES:

CHAPTER 3A: TEMPORARY USES

Organization:

- 10-3A-1 Purpose
- 10-3A-2 Allowed Temporary Uses
- 10-3A-3 Permit Required
- 10-3A-4 Regulations for Specific Temporary Uses

10-3A-1: Purpose:

Temporary uses and structures, which are necessary or desirable for a period of time, but are not intended to be established on a permanent basis may be allowed to occupy a zoning lot provided the temporary use and structure are regulated with respect to location and operation. To qualify as temporary, the use shall be established for a fixed period of time with the intent to discontinue the use at the end of such specified time.

10-3A-2: Allowed Temporary Uses

Uses identified with a "T" in Table 3A-1 of this section are allowed as of right in each respective district, provided the uses comply with all applicable standards of this chapter and a temporary use permit has been issued by the Planning and Development Services Department. Other uses which are similar and compatible to those listed as temporary uses in this section may be allowed by the Zoning Administrator.

TABLE 3A-1
TEMPORARY USES

		B-1	B-2	B-3	B-4	I-2 EDA	P-1
Temporary medical testing facility		T	T	T	T		
Temporary outdoor dining	located within a parking lot	T	T	T	T	T	T
	located on a public sidewalk	T					
Temporary sales	Christmas tree sales lots	T	T	T	T		T
	Farmers' market	T	T	T	T		T

10-3A-3: Temporary Use Permits

- A. Permit Required:** No temporary use shall be established unless a temporary use permit evidencing the compliance of the use with the provisions of this section and other applicable provisions of this chapter has been issued by the Zoning Administrator. The Zoning Administrator shall be authorized to impose conditions on the temporary use permit as are deemed appropriate and necessary to achieve the purposes of the Zoning Ordinance and to minimize the impact of the temporary use on surrounding permanent uses.
- B. Application:** Applications for temporary use permits shall be submitted to the Planning & Development Services Department. Applications shall be submitted at least 30 days prior to the proposed commencement of the temporary use, unless this timeframe is reduced by the Zoning Administrator. Each application shall be accompanied by:
1. A site plan, drawn to scale, showing the location of structures, improvements, parking areas and other features that exist or are proposed on the site;
 2. Signed, written permission from the property owner of, or the agency having jurisdiction over, the subject property allowing the temporary use;
 3. A \$25 fee shall be paid at the time of application;
 4. Additional information as required in accordance with section 10-3A-3C of this chapter.
- C. Standards:** The following standards shall apply to all temporary uses unless otherwise expressly stated:
1. A building permit and inspection(s) shall be obtained for any temporary structure, including but not limited to, trailers and tents.
 2. No permanent or temporary electrical connection shall be installed without an electrical permit and inspection.
 3. Temporary structures shall be located at least five feet from any buildings or structures on the subject property.
 4. No signs in connection with a temporary use shall be permitted except in accordance with chapter 12 of this title. All temporary signage shall be removed immediately upon cessation of the temporary use.
 5. Temporary uses or structures shall not encroach into any required landscaping nor shall any landscaping be removed without approval by the Zoning Administrator.
 6. Parking areas shall be provided for the temporary use (in addition to the required parking for any principal use existing or proposed on the site), and the areas shall be capable of accommodating the number of parking spaces that are required for the most similar use type in accordance with chapter 11 of this title.

7. Requests for modifications or waivers from any of the parking requirements of this section shall require review and approval in accordance with the variation procedures in chapter 13 of this title.
8. The Zoning Administrator shall have the authority to suspend, revoke, or modify a temporary use permit immediately upon determination that the conditions and/or requirements set forth in the permit have been violated. Written notice of the Zoning Administrator's determination to suspend, revoke, or modify the permit shall be promptly provided to the applicant. A determination under this subsection (C) shall be final and conclusive unless the applicant files an appeal in accordance with the procedures of chapter 13 of this title.
9. The Zoning Administrator shall have the authority to deny a temporary use permit to any person who owns, applied for or otherwise caused an uncorrected violation of a provision of this chapter or who has demonstrated a willful history of violations, including any condition attached to a permit or approval previously granted by the village. This provision shall apply regardless of whether the property for which the permit or other approval is sought is the property in violation.
10. The Zoning Administrator shall have the authority to deny temporary use permits on any land or structure or improvements thereon, upon which there is an uncorrected violation of a provision of this chapter, including any condition attached to a permit or approval previously granted by the village. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

10-3A-4: REGULATIONS FOR SPECIFIC TEMPORARY USES:

A. Temporary medical testing facility

1. Provide a narrative of the specimen collection and handling procedures;
2. Documentation on employee access to required water and sanitary facilities;
3. The site plan must include:
 1. Proposed directional signage;
 2. The location and dimensions of any structures (separate building permits are required for tents, trailers, etc.)
 3. Designated parking stalls for customers and/or employees
 4. The dimension/distance from the medical testing facility to employee bathroom facilities.
4. Proof of a Clinical Laboratory Improvement Amendments (CLIA) Certificate of Waiver issued by the Illinois Department of Public Health;
5. The property shall be of sufficient size to provide adequate off-street parking in addition to the required parking for any existing use(s) on the property;

6. All temporary structures must maintain a minimum 20-foot setback from all property lines, streets, and public rights-of-way and must not obstruct the vision clearance triangle;

B. Temporary outdoor dining areas: must be operated in conjunction with a restaurant on the same property or a restaurant that is adjacent to the public sidewalk subject to the following additional regulations:

1. The site plan must include:
 - a. the location and height of barriers/fencing, if applicable,
 - b. the placement of tables, chairs, planters, umbrellas, and temporary structures
 - c. all existing features such as trees, fire hydrants, and building entrances
 - d. the overall dimensions of the dining area
 - e. the width of the access into the dining area
 - f. the overall width of the sidewalk, if applicable
2. Hours of operation are limited to 7:00 am to 10:00 pm;
3. A Class OS license must be obtained if alcohol is to be served in the outdoor dining area;
4. All alcohol shall be dispensed from within the principal structure/establishment. No bar may be set up or operated within the outdoor area.
5. No amplified sound shall be permitted unless an amplifier permit has been issued. Exception: music played through a speaker for background music will be allowed until 10 pm provided the volume and sound level at which it is played does not create a nuisance beyond the permitted outdoor dining area.
6. Dining areas must be within 100 feet from the customer entrance of the building;
7. Covered trash receptacles shall be provided if the area is self-service and emptied daily;
8. Refuse from outdoor dining areas shall not be disposed in public waste receptacles;
9. Direct and clear access to the restrooms within the restaurant must be provided;
10. Dining areas may not extend past the frontage of the restaurant establishment without the written consent of the adjacent business and the property owner;
11. The outdoor sales, serving and consumption area must meet all village, county and/or state health regulations;
12. In the case of severe weather, all moveable items shall be secured, removed or placed inside;
13. It is the responsibility of the owner to ensure the safe removal of ice and snow for tents and membrane-covered structures during winter months.
14. Location: Temporary outdoor dining on a public/private sidewalk:

- a. A minimum 5-foot wide portion of the sidewalk must remain free and clear of obstructions;
- b. No fixtures shall be attached to the sidewalk;
- c. Attachments to village utilities, utility poles, street lights, trash cans and other street furniture is prohibited;
- d. A certificate of insurance naming the owner of the sidewalk as an additional insured for the term of the permit. Said certificate shall include a liability policy of not less than \$1,000,000 per occurrence when the sidewalk is located on public property.
- e. A Use of Public Property and Hold Harmless Agreement as set forth in APPENDIX A, to the "Bartlett Liquor Control Ordinance Title 3 Chapter 3 of the Bartlett Municipal Code", whether or not alcohol is proposed to be served on said public sidewalk, must be submitted with the permit application for use of a public sidewalk;
- f. Temporary outdoor dining areas located within the Village right-of-way shall only be permitted between March 31st and November 15th of each year.

15. Location: Temporary outdoor dining areas within a parking lot:

- a. May not be located within handicap accessible parking spaces or designated fire lanes and may not block drive aisles;
- b. Must be separated from adjacent parking spaces and drive aisles with barricades such as railing, fencing or stanchions having a minimum height of 36 inches.
- c. A certificate of insurance naming the owner of the parking lot as an additional insured for the term of the permit.

C. Temporary sales

1. Christmas tree sales lots may be allowed by temporary use permit in all commercial and public lands zoning districts for a period not to exceed 45 days per calendar year. If the principal use of the property is a retail greenhouse/nursery or garden center, no temporary use permit shall be required.
 - a. All sales shall be conducted at least 30 feet from the right-of-way of any street.
 - b. A minimum 30-foot setback shall be maintained from property used or zoned for residential purposes.
 - c. The property shall be of sufficient size to provide adequate off-street parking in addition to required parking for any existing use on the property.
 - d. Sales shall be conducted in such a manner so as not to interfere with traffic or cause a nuisance.
 - e. All trees must be removed no later than December 31 of the same year.
 - f. Documentation on employee access to required water and sanitary facilities.

2. Farmer's market, an area for farmers and gardeners to sell agricultural produce and products to the public, may be allowed by temporary use permit in all commercial and public lands zoning districts.
 - a. Sales may be conducted from tents, open booths, or temporary structures.
 - b. Farmers' markets shall have specific hours of operation specified in the temporary use permit.
 - c. All sales booths and temporary structures being used to sell produce and products must maintain a minimum of 20-foot setback from all property lines, streets, and public rights-of-way.
 - d. The property shall be of sufficient size to provide adequate off-street parking in addition to required parking for any existing use on the property.
 - e. Sales shall be conducted in such a manner so as not to interfere with traffic or cause a nuisance.
 - f. The operator and/or vendors must operate in compliance with all applicable state and federal laws and obtain all permits and registrations as required by village, county and state health departments prior to issuance of a temporary use permit.
 - g. Documentation on employee access to required water and sanitary facilities.

<u>Restaurants with Outdoor Seating Special Use Permit</u>	<u>Outdoor Seating Location</u>
1048-1084 Army Trail Rd (Galleria of Bartlett)	beer garden
114-399 Bartlett Plaza & 270-278 Devon (Streets of Bartlett)	private sidewalk
116 Bartlett Plaza (Pasta Mia)	private sidewalk
110 W Bartlett Ave (TL's)	public sidewalk (4 tables/16 seats)
120 W Bartlett Ave (120 Live)	beer garden
130 W Bartlett Ave (JC's)	public sidewalk (2 tables/3 seats)
778-780 W. Bartlett Rd (Wee-Dees)	courtyard
782 W. Bartlett Rd (Savoury)	courtyard
143-149 E Lake St (Olivia's)	private sidewalk
1175 W Lake St (Moretti's)	patio
201 S Main (2 Toots)	private sidewalk
207 S Main St (Trackside Diner)	private sidewalk
223 S Main (Marco's Pizza)	private sidewalk
225 S Main St (formerly Italian Deli)	private sidewalk
363 S Prospect Ave (Bracht's Place)	beer garden
113 W Railroad (formerly Bartlett Tap)	beer garden
121 W Railroad (More Brewing)	beer garden & rooftop
892 Route 59 (Ambrosia)	private sidewalk
916 Route 59 (Starbucks)	private sidewalk
925 Route 59 (Oberweis)	patio
1681 Route 59 (Starbucks)	private sidewalk
1121 W Stearns (formerly Sonic)	patio

Restuarants Granted Temporary Outdoor Dining Permits*	2020	2021
1085 Army Trail Rd (Flappy's) - in parking lot	Yes	
1087 Army Trail Rd (Pietanza's) - on private sidewalk	Yes	
120 W Bartlett Ave (120 Live) - beer garden* (parking lot in 2020 only)^	Yes	Yes
116 Bartlett Plaza (Pasta Mia) - expanded into parking lot and tent**	Yes	Yes
122 Bartlett Plaza (Subway) - on private sidewalk	Yes	
124 Bartlett Plaza (D'Licious Crepes & Roti) - on private sidewalk*	Yes	Yes
144 Bartlett Plaza (Cherry on Top) - on private sidewalk*		Yes
778-780 W. Bartlett Rd (Wee-Dees) - courtyard*		Yes
782 W. Bartlett Rd (Savoury) - courtyard*		Yes
274 E Devon Ave (One Taco Dos Tequila) - private sidewalk and tent in parking lot**	Yes	Yes
105 E Lake St (Sir Nick's) - on private sidewalk		Yes
111 E Lake St (Dairy Queen) - on private sidewalk		Yes
1175 W Lake St (Moretti's) - patio*	Yes	Yes
201 S Main (2 Toots) - private sidewalk*	Yes	Yes
207 S Main St (O'Hares) - tent in parking lot**	Yes	N/A
223 S Main (Marco's Pizza) - on private sidewalk*		Yes
326 S. Main St (The Still Bar & Grill) - in parking lot	Yes	Yes
800 W Oneida Ave (Bartlett Hills Golf Club) - tent	Yes	
858 Route 59 (Bannerman's) - tent in parking lot	Yes	
892 Route 59 (Ambrosia) - on private sidewalk*	Yes	Yes
897 Route 59 (AJB Polish Deli) - on private sidewalk		Yes
913 Route 59 (McMae's) - in parking lot	Yes	Yes
916 Route 59 (Starbucks) - patio*		Yes
957 Route 59 (Dogfather) - in parking lot	Yes	
1681 Route 59 (Starbucks) - patio*		Yes

**Businesses that have Outdoor Seating Special Use Permits were required to obtain temporary outdoor dining permits to ensure the State's regulations for outdoor dining were met*

^Businesses that temporarily expanded their outdoor dining area from their Special Use Permit