

**Village of Bartlett  
Plan Commission Meeting  
Minutes  
July 13, 2017**

Chairman Lemberg called the meeting to order at 7:03 pm.

**Roll Call**

Present: J. Lemberg, J. Miaso, A. Hopkins, D. Negele, T. Ridenour, M. Hopkins and T. Connor

Absent: J. Allen, J. Kallas

Also Present: R. Grill, Assistant CD Director, A. Zubko, Planner

**Approval of Minutes**

A motion was made to approve the minutes of the June 8, 2017 meeting.

Motioned by: A. Hopkins

Seconded by: J. Miaso

**Roll call**

Ayes: J. Miaso, J. Lemberg, A. Hopkins, M. Hopkins and T. Connor

Abstain: D. Negele, T. Ridenour

Motion carried.

**Case # 17-15 Acton Mobile (Bluff City Industrial Park)  
Preliminary/Site Plan Amendment  
PUBLIC HEARING**

**Exhibit A - Picture of Sign**

**Exhibit B - Mail Affidavit**

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

**Petitioner Dean Kelley was sworn in by J. Lemberg.**

**A. Zubko** stated this property is located at 2300 Graham Street on the East side of Rt. 25 approximately 0.5 miles northeast of Kenyon Road and Route 25.

The original Site Plan was approved in 2016. The petitioner is requesting a **PUD/Site Plan Amendment** on their 8.35 acre site to demolish an existing 1,000 square foot attached storage shed and construct an addition of approximately 2,000 square feet to the existing building and reduce the rear yard setback from 30 feet to 22 feet.

The Petitioner has improved the lot from gravel to asphalt pavement around the building and made modifications to the existing pond to meet the Village's stormwater requirements. This request will not require any additional improvements.

No additional parking is required for the addition.

They have also relocated all their mobile office trailers, storage trailers and portable classrooms to this site and have a triple wide trailer south of the existing building, which is used for their offices.

The plans will stay the same including the previous conditions from the original ordinance and the only change is to the site plan.

The Staff recommends approval of the petitioner's request subject to the conditions and Findings of Fact as noted in your packet. Conditions shall remain the same as in 2016.

**J. Lemberg** asked if any members had any questions or comments. He also asked the Petitioner if he had anything to add. Petitioner **D. Kelley** stated **Angela** covered everything very well. **T. Ridenour** asked if the variation for the setback was only for the one corner of the addition. **A. Zubko** stated that was correct.

**J. Lemberg** then opened the Public Hearing portion of the meeting to the public and asked if there were any questions or comments. No one had any comments or questions. The Public portion of the meeting was closed.

**J. Lemberg** asked if anyone had any other questions. No one came forward.

**J. Lemberg** asked for a motion for the Petitioner's request subject to the following conditions and Findings of Fact and also for the conditions from Ordinance 2016-90 remain in effect.

**Motioned by: T. Connor**  
**Seconded by: J. Miaso**

**Roll call**

**Ayes: J. Miaso, A. Hopkins, D. Negele, T. Ridenour, M. Hopkins and T. Connor**  
**Nays: None**

**All in favor.**

**Motion Carried.**

**Case # 17-12 Olivia's Place**

**Special Use Permits:**

- a) To Serve Beer and Wine**
- b) Allow Outdoor Seating**
- c) Allow Live Entertainment (acoustical music)**

**PUBLIC HEARING**

**Exhibit A - Picture of Sign**

**Exhibit B - Mail Affidavit**

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

**A. Zubko** stated this property is located at 143-149 E. Lake Street – Oakfield Center (Southeast corner of Lake Street/U.S. 20 and Oak Avenue)

The Oakfield Center was approved in 1979. The Village Board approved video gaming in the Village of Bartlett in 2012.

The petitioner is requesting three Special Use Permits: 1) to serve beer and wine, 2) to allow outdoor seating, including serving beer, wine, and 3) to allow live entertainment of acoustical music for their patrons.

The petitioner is proposing to open a video gaming establishment that will provide dining and refreshments including beer and wine for adults that wish to game outside of a casino environment in accordance with the new state laws. The petitioner also proposes to have wine tastings, paint parties and live acoustic music on Friday and Saturday nights.

Olivia's Place is a Division of Lacey's Place and Lucky Bernie's. Attached are pictures from Lucky Bernie's which will be similar to the proposed Olivia's Place and proposed renderings of Olivia's Place. The owners currently have an Olivia's Place in Berwyn, IL and are also opening up another location in Elk Grove Village.

The proposed 2,400 square foot establishment would include a dining area with about 30 seats as well as an "entertainment area" with five (5) gaming stations (which is the state maximum). A draft floorplan of the proposed location is attached for reference.

The petitioner is also requesting a Special Use for outdoor seating with about 6 seats. A fence around the existing outdoor seating area to meet the requirements of the ADA (American with Disabilities Act). There will be 4' of sidewalk between the fence and curb.

The State Law requires establishments operating video gaming machines to have a valid liquor license. Olivia's Place is proposing to offer only beer and wine for their patrons during proper hours.

The State Law requires video gaming establishments to be a minimum of 100 feet from any school or place of worship. A map depicting the 100 foot buffer is attached for reference. The school building is located about 207 feet from the Oakfield Shopping Center building.

Olivia's Place would have about ten (10) employees with three (3) employees on each shift. Parking consists of 177 parking spaces, 43 of which are located directly in front of this unit. This use would require 20 parking spaces. There is ample parking for this use.

At the Village Board Committee meeting on June 20, 2017 there was some concern about serving beer and wine in the outdoor seating area within close proximity to a school. The Petitioner offered to not serve beer and wine in the outdoor seating area if it was a concern; however, the Trustee's requested to see if there were any concerns voiced during the Public Hearing at the Plan Commission meeting prior to a condition being added to the Special Use request.

The Staff recommends approval of the Petitioner's requests subject to the findings of fact below and the following conditions: six (6) seats permitted outdoors; the outdoor fence must be installed before serving alcohol outside; building permits are required for all construction; the Petitioner must obtain a liquor license and any signage must be approved through the Community Development Department. **A. Zubko** passed around menus to the Commission members to review.

**J. Lemberg** proceeded to swear in the Petitioners. He also asked the petitioners if they were going to do any improvements to the parking lot being it was in such bad shape. **A. Zubko** stated they have patched it in the last month and it looks a lot better than it did originally. Also, the Petitioner added to their lease agreement for other improvements that will be made and the parking lot was one of them.

**J. Lemberg** asked if any of the members had any questions for Staff. **M. Hopkins** stated the outdoor dining dimensions can barely be made to work, 3' 11 1/4". The minimum code required aisle between the fence and the furniture is 28". That only leaves 20" for the chairs, table and people. **M. Hopkins** feels it is too narrow and impractical. The additional 4' that is left will be opposed upon by cars unless there are wheel stops installed in the parking lot. This will only work if there is an 18' parking space, unless this is resolved, this will not work. **A. Zubko** stated the parking stalls are each 20'. **M. Hopkins** stated if the space is 20' then all that is needed is a wheel stop. **R. Grill** stated she was out there today and the wheel stops are in place and are set back from the 8 1/2' sidewalk. There is ample room when the wheels of a car are right up against the wheel stops with no overhang and at least 6" to the sidewalk. **R. Grill** stated the petitioner can elaborate more on the parking situation.

Petitioner **Bryan Sterbenz**, of 26052 W. Randich Ct., Ingleside, IL stated as noted before there are wheel stops. In regards to other improvements, there is a contingency to the lease not only to improve the parking lot but repair the sidewalk for the safety of the public and customers. To fix the worn down façade was another contingency. This was about a six month battle with the owner but they did agree.

**J. Lemberg** asked if any of the members had any questions or comments. **A. Hopkins** stated he had a few questions for Staff. First, has there been an increase in crime or calls for service with an increase in gaming establishments, and secondly are there any other gaming/ restaurants/bars that are so close to a school or a church? **A. Zubko** stated this was brought at the Committee meeting and the Police Chief has stated no in regards to the calls for service. As far as the proximity to a church or school within 200 feet, there are none that Staff can think of. **A. Hopkins** stated his concern is with the outdoor seating. With the school being close, kids are walking in the area before and after school going to 7-11 & Dunkin Donuts, would it be appropriate for them to see people sitting outside drinking. Would the petitioner be interested in maybe doing this after 5:00 P.M. Monday through Friday? **Bryan Sterbenz** stated they would be opened to that and they would do away with the outdoor seating altogether if the Committee had an issue with it. **A. Hopkins** questioned what kind of security will be in place.

**Bryan Sterbenz** stated he is the owner of Lucky Bernie's, and owns 6 stores in the northwest suburbs. The business itself attracts a different demographic, and the buildouts are between \$250,000 and \$350,000 per location. All of the locations have been open for over a year and not one has had an issue in regards to security. ADT is set up for burglary, all staff are Basset certified, and the business is fully equipped with cameras inside and out. **T. Ridenour** asked if the pictures that were passed around similar to what will go into the Bartlett location. **Bryan Sterbenz** stated everything will be hardwood, oak and custom carpentry. This establishment will have 20 plus wines, 30 kinds of craft beer, exclusive Boars Head meats and cheeses in the deli.

**J. Lemberg** asked if any of the members had any questions or comments. No one came forward.

**Public Hearing** portion of the meeting was now opened to the public. No one in the audience came forward. The **Public Hearing** portion of the meeting was then closed.

**J. Lemberg** asked if there were any questions or comments. No one came forward. Each request will be voted on separately.

**J. Lemberg** asked for a motion to "**Serve Beer and Wine**" recommending approval for the Petitioner's request subject to the conditions and Findings of Fact.

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

**Roll call**

**Ayes: A. Hopkins, D. Negele, T. Ridenour, M. Hopkins, T. Connor, J. Miaso**  
**Nays: None**

**All in favor.**

**Motion Carried.**

**J. Lemberg** asked for a motion to "**Allow Outdoor Seating**" recommending approval for the Petitioner's request subject to the Findings of Fact.

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

**Roll call**

**Ayes: T. Ridenour, M. Hopkins, T. Connor and J. Miaso, A. Hopkins and D. Negele,**  
**Nays: None**

**All in favor.**

**Motion Carried.**

**J. Lemberg** asked for a motion to "**Allow Live Entertainment**" recommending approval for the Petitioner's request subject to the conditions and Findings of Fact.

**Motioned by: A. Hopkins**  
**Seconded by: T. Connor**

**Roll call**

**Ayes: D. Negele, T. Ridenour, M. Hopkins, T. Connor and J. Miaso and A. Hopkins**  
**Nays: None**

**All in favor.**

**Motion Carried.**

**J. Lemberg wished the petitioner good luck.**

**Case # 17-14 O'Hare's PUB**

Special Use Permits:

- a. To Sell Packaged Liquor (Beer & Wine only)
- b. Allow Outdoor Seating
- c. Allow Live Entertainment (acoustical music)

**PUBLIC HEARING**

**Exhibit A - Picture of Sign**

**Exhibit B - Mail Affidavit**

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

**Exhibit D – Letter from O'Hare's with Diagram**

**Exhibit E – Letter from Town Liquor and Foods**

**A. Zubko** stated O'Hare's is located at 207 S. Main Street – Town Center (Directly East of Village Hall). The Petitioner is requesting a **Special Use Permit to sell package liquor (beer and wine only)** at their current location in Town Center.

The previous restaurant received approval for a liquor license in 2004. The Special Use is associated with the address. O'Hare's Pub has been serving alcoholic beverages since it opened in 2016 at this location.

The Petitioner is also requesting a **Special Use Permit for outdoor seating** with about 36 seats. A 36" fence around the outdoor seating area is required for the outdoor consumption of alcohol and they must maintain an accessible pedestrian access. There will be 4' of sidewalk between the fence and curb.

The Petitioner is also requesting a **Special Use Permit to allow live entertainment** with live acoustical music **only** for St. Patrick's Day celebrations and for private special events.

O'Hare's Pub is currently open seven days a week Monday thru Thursday from 11:00 a.m. to 12:00 a.m. and Friday & Saturday from 11:00 a.m. to 1:00 a.m. and Sunday from 11 a.m. to 11 p.m. The Class H liquor license restrictions are Sunday thru Thursday from 8:00 a.m. to 10:00 p.m. and Friday and Saturday from 8:00 a.m. to 12:00 a.m. The petitioner is aware if the special use is granted to sell package liquor (beer and wine only) they cannot sell outside of the Class H liquor license hours.

If the Plan Commission recommends approval of the Special Uses, the Special Uses should be subject to the following conditions and findings of fact as outlined in your report. At the Village Board Committee meeting on June 20<sup>th</sup> the Committee requested a separate vote for each special use including the conditions and findings of fact.

Each Special Use is listed separately with the findings of fact repeated and the very specific conditions for each Special Use. **A. Zubko** also provided 3 different documents to the Commissioners. The first two are letters from O'Hare's that were mistakenly omitted from the commission packet along with a diagram. The letter is telling you more about the business and why they are requesting the Class H liquor license. Also, that entertainment such as Irish dancer accompanied by Irish musicians will be very limited. **A. Zubko** stated the live entertainment will be for indoors only. For any outdoor entertainment they will need to get an



amplifier permit for each event. The additional letter is from the owner of Town Liquor and Food, who is against O'Hare's selling any package liquor which is against their lease. The three documents will be put in as exhibits.

**J. Lemberg** asked if the Petitioners or anyone who is giving testimony to please stand up to be sworn in. He proceeded to swear in Peggy O'Hare Vance and Stuart Lucado.

**J. Lemberg** asked if any members of the Commission had any questions for staff.

**M. Hopkins** asked if the nose of the cars that are parking in front, if they will be within the four feet. **A. Zubko** stated this location does not have wheel stops but does have a curb. **M. Hopkins** stated so there will not be four feet if the parking space is occupied. **A. Zubko** stated yes possibly, however, the outdoor seating does have 7'4" so if need be, they could possibly make that shorter to accommodate a larger walkway. **M. Hopkins** stated it seems like they get one or the other. They need to provide the handicap pathway either with a wheel stop or with a lesser dimension on the outdoor dining. That was his number one question, his number two question is what is acoustical music? **A. Zubko** stated it normally means not a live band, just maybe one person playing the guitar with an amplifier. **M. Hopkins** asked if people live above this. **A. Zubko** stated yes and they were all notified. **M. Hopkins** asked if the petitioner understands that getting a Special Use to get acoustical music doesn't give them anymore right to crank up the music any more than the person in the next unit with their stereo. **P. O'Hare Vance** (owner of O'Hare's Pub) stated they understand this. Her place is too small and it is not acoustically designed to accommodate any live band or loud entertainment. They want O'Hare's to be a neighborly place for conversation, and never want music to override the ability to have a conversation. **A. Zubko** stated if you would like them to change the width please put it in the motion. **M. Hopkins** stated maybe it should make a condition to maintain the minimal accessible access. **P. O'Hare Vance** stated she does realize there is a little bit of a leeway with where it is and taking away the curb they can bring it in a few inches to cover this. The cars park at an angle. **M. Hopkins** stated the normal overhang is 18 inches. They will need to work with the Village Engineer and see what the planning dimension allows. **P. O'Hare Vance** stated she was surprised with the 18 inches but they will work with it. **A. Hopkins** stated that Marco's already has outdoor seating. **A. Zubko** stated yes but it's wider than what is in front of O'Hare's.

**A. Hopkins** stated that Arts in Bartlett has an open mike, so there is already music in the building, but did have a question for the petitioner regarding the selling of packaged liquor. **P. O'Hare Vance** stated the truth is that it was brought up by Village members to do this since this site originally had this. When the site was divided between O'Hare's and Two Toots the package went to Two Toots doorway. This idea is for someone who has a carryout order can have a beer or a glass of wine with their dinner, which will be packaged accordingly. This was something in town for commuters to buy something and get on the train since the train no longer sells alcohol. They are not trying to sell bottles of wine or six packs. This was just an added value for the patrons.

**J. Lemberg** asked if there were any other questions or comments.

**A. Hopkins** stated he had a question as to why the entertainment was limited to only for St. Patrick's Day or special events. **P. O'Hare Vance** stated they are just a pub and restaurant. Entertainment is distracting for someone trying have a conversation, relax and just have a good time. St. Patrick's Day is very big for them and downtown Bartlett and other than that, it is not of interest to them to have regular entertainment or karaoke.

**J. Lemberg** asked if there were any other questions or comments. No one spoke.

## **PUBLIC HEARING**

**Public Hearing** portion of the meeting was opened to the public.

First to speak was **S. Sutter** (formally of Bartlett) who now resides in Elgin but is the owner of six of the lofts above the Town Center. He and his partner Dan own 10 of the 16 units. **S. Sutter** main concern is over the last several years they have seen many businesses come and go. The building has ownership on the lower level that is lacking in doing things unless the Village is involved in some way. The loft association has taken care of the sealcoating etc., but in his opinion, the rest of the building is left in disarray. He gets calls from tenants at three in the morning when there are issues at O'Hare's, at which time he needs to call the police. **S. Sutter** stated he has called the bar directly because the music is too loud. He has single mothers upstairs with teenage children who need to get up for school. The tenants cannot open their windows because of someone standing out in front screaming or on their phones. **S. Sutter** continued stating one thing that has been forgotten is that Bartlett is a family community. He is not necessarily happy with the way it is, its progress, but he wants to see that there is some kind of consideration given to the people who live there. **S. Sutter** stated if this keeps going the way it is and put a limit to what is going on he isn't sure he would even want to live there. **S. Sutter** questioned the method of notification to the loft owners upstairs. Was O'Hare's required to get a registered receipt. He owns six units and only received one blanket letter. Some owners didn't receive any letters what so ever. **J. Lemberg** asked Staff to respond. **A. Zubko** stated she provided O'Hare's the list (they worked on it together) of the property owners and the LLC all went to the same address; only one letter was sent. Property owners were notified, not renters, along with the sign out front. **S. Sutter** stated he is at the building four times a week picking up liquor bottles, arguing with the Police about someone screaming outside at three in the morning. It's unclear as to what is private and what is public at the building. **S. Sutter** went on to say the community is changing and we have to have a high standard. We already have a liquor store that is directly next to a residential entrance. The more late night activity the harder it will be to manage and the higher the risk factor and it will drive people away. **J. Lemberg** asked if anyone else in the audience would like to speak.

**D. Bhesania** owner of Town Liquor and Food 233 S. Main Street stated he has an exclusive package liquor license and adding another one in the same building doesn't make any sense. He stated people from O'Hare's park in front of his store and the parking lot is full which takes away from his business. These are his main concerns.

**J. Lemberg** asked if anyone else in the audience would like to speak.

**S. Lucardo** business manager for O'Hare's Pub stated he appreciates the insights that will help them fine tune the business, and train their security, managers and supervisors, regarding night time activities to be painfully aware of things that effect those around them. O'Hare's has become a benchmark brand in the downtown area and they are not trying to do anything against anybody. To his knowledge, the Police have only responded one time since October, 2016. Admittedly there was an employee who forgot to reduce the level of music at closing. The Police responded and it was addressed with the employee and it has never happened again. They work to make sure that proper standards are met with due respect to the residents who live above as well as business partners. **S. Lucardo** stated this goes beyond just his business, but the growth of downtown Bartlett, and not to have it stifled. Addressing the packaged liquor

concern by **D. Bhesania** of Town Liquors, O'Hare's is basically for carry out of just wine and beer in a single serving plastic container. Not much competition for a full service liquor store with a much larger selection. **S. Lucardo** stated he appreciates the input from **S. Sutter** but at 3:00 AM there isn't anyone at the Pub. The latest anyone would be there would be 1:00 AM and that would be the bartender making sure everything is turned off and the alarm is set. Other than the one complaint to the Police about the music being left on there have not been any other calls. Also, there is nothing on social media which is watched very closely to ensure they are doing things the right way. It is not their intent or ever will be their intent to aggravate anyone. **S. Lucardo** stated grandparents and families are their best patrons. There aren't motorcycle gangs, punks hanging around, however they cannot control what someone does once they leave the establishment. If there is a problem they have asked people to leave. With St. Patrick's Day in March, with the tent up, there was not one incident during the entire week of celebration. **S. Lucardo** stated if the Loft association wants to come and meet with them they are more than willing to work with them. The lights and music are turned down about 8:00 PM trying to be as unintrusive as possible and if they need to do more, they will.

**J. Lemberg** asked if anyone else in the audience would like to speak.

**G. Koziol**, resides at 654 Hazelnut Court stated he had no intension of speaking tonight but he must say something. He realizes that Bartlett tends to think of itself as a bedroom community but Bartlett needs to work with businesses. Businesses are encouraged to come to downtown and to Bartlett in general, but if the residential concept is going to overly control the business he thinks Bartlett is losing an important part of our future. This business is trying to do the right thing, police aren't being called against this type of business. The downtown area is a mixed use community and this business should be encouraged. People who move into the downtown area need to expect this, it will not be quiet all the time. Residents need to be tolerant of such businesses. **G. Koziol** stated he was part of the TOD and is excited to see growth in the downtown area.

**J. Lemberg** asked if anyone else would like to speak. Public portion of the meeting was closed. There will be three motions for this portion of the meeting.

**J. Lemberg - Sell Package Liquor (Beer & Wine)** conditions and findings of fact.

**J. Lemberg** asked for a motion.

**Motioned by: J. Miaso**

**Seconded by: T. Connor**

### Roll call

**Ayes: J. Miaso, A. Hopkins, D. Negele, T. Ridenour, M. Hopkins and T. Connor**

**Nays:**

**Motion Carried.**

**J. Lemberg asked for a motion for a Special Use Permit for outdoor seating along with the conditions and findings of fact.**

**J. Lemberg** asked for a motion

**Motioned by: D. Negele**

**Seconded by: J. Miaso**

**M. Hopkins** added a condition that the Petitioner work with the Village Engineer that they maintain the minimum walkway of 4 feet despite the vehicle overhang.

**Roll call**

**Ayes: J. Miaso, A. Hopkins, D. Negele, T. Ridenour, M. Hopkins and T. Connor**

**Nays:**

**Motion Carried.**

**J. Lemberg** asked for a motion for a Special Use Permit to allow live entertainment with acoustical music along with the conditions and findings of fact.

**Motioned by: A. Hopkins**

**Seconded by: J. Miaso**

**Roll call**

**Ayes: J. Miaso, A. Hopkins, D. Negele, T. Ridenour, M. Hopkins and T. Connor**

**Nays:**

**Motion Carried.**

**J. Lemberg** wished the petitioner good luck.

**Old Business/New Business**

**R. Grill** stated there will be a meeting in August.

**J. Lemberg** asked if anyone had any questions or comments. No one came forward.

**Motion to adjourn.**

**Motioned by: J. Miaso**

**Seconded by: D. Negele**

**Meeting adjourned at 8:03 P.M.**