

VILLAGE OF BARTLETT

COMMITTEE AGENDA

AUGUST 18, 2015

PLANNING & ZONING

1. Daniela's Bistro Special Use – Liquor and Outdoor Seating
2. Starbucks Special Use – Beer and Wine

FINANCE & GOLF

1. Councils of Government Services Review

LICENSE & ORDINANCE

1. Business License Amendment

EXECUTIVE SESSION:

To Discuss Collective Negotiation Matters
Pursuant to Section 2(c)2 of the Open Meetings Act



Agenda Item Executive Summary

Case # 15-09 - Daniela's special use for liquor and outdoor seating for a video gaming establishment

Item Name _____ Committee or Board Village Board Committee

BUDGET IMPACT

Amount:	N/A	Budgeted	N/A
List what fund	N/A		

EXECUTIVE SUMMARY

A request for two **SPECIAL USE PERMITS** (a) to serve liquor and (b) to allow outdoor seating in conjunction with Daniela's video gaming establishment located at the northwest corner of Bartlett and Hickory Avenues at the former Station Cleaners site in the Cartland Building.

The Plan Commission conducted the public hearing and reviewed the petitioner's request at their July 9, 2015 meeting. The Plan Commission **failed to recommend approval** of the petitioner's request.

ATTACHMENTS (PLEASE LIST)

CD Memo, Applicant Cover Letter, Owner Authorization Letter, Application, Business Plan, Location Map, Site Plan, fence detail, letter of support for project, Plan Commission public hearing minutes.

ACTION REQUESTED

For Discussion Only to discuss the public hearing on the project and move forward to the Village Board for a final vote.

Resolution _____

Ordinance _____

Motion _____

Staff: Jim Plonczynski Date: 8/3/15

COMMUNITY DEVELOPMENT MEMORANDUM

15-166

DATE: August 4, 2015
TO: Valerie L. Salmons, Village Administrator
FROM: Jim Plonczynski, CD Director
RE: **(#15-09) Daniela's**

PETITIONER

Peter Zaikowski

SUBJECT SITE

300 Bartlett Avenue – Cartland Building (NWC Bartlett and Hickory Avenues)

REQUEST

Special Use Permits – a) To Serve Liquor and b) for Outdoor Seating in conjunction with a video gaming establishment

SURROUNDING LAND USES

	<u>Land Use</u>	<u>Comprehensive Plan</u>	<u>Zoning</u>
Subject Site	Commercial	Commercial	B-1
North	Residential	Residential	SR-4
South	RR	Utility	RR*
East	Commercial	Commercial	B-1
West	Parking	Commercial	B-1

*Metra RR tracks

DISCUSSION

1. The petitioner is requesting a Special Use Permit to serve liquor and to allow outdoor seating in conjunction with a video gaming establishment within the existing Cartland Building in the former Station Cleaners space.
2. The Village Board approved video gaming in the Village of Bartlett on July 17, 2012. Currently, the Village has three stand-alone video gaming establishments.
3. The petitioner has entered into a lease in the former Station Cleaner site with the owner. They are proposing to open a video gaming establishment that will

provide food and refreshments including liquor for adults that wish to game outside of a casino environment in accordance with the state laws.

4. The establishment would include a food service area with 4 seats as well as an "entertainment area" with five (5) gaming stations (which is the state maximum). Total number of seats will be 9 with 1 employee.
5. There will also be an outdoor seating area during nice weather for those patrons wishing to dine and drink outside of the facility (see diagram). The petitioner will move his indoor tables and chairs outside during nice weather. There will be no outdoor gambling.
6. The State Law requires establishments operating video gaming machines to have a valid liquor license. The petitioner is proposing to offer liquor, beer, and wine for their patrons. They have applied for a Class A Liquor License.
7. Once a liquor license is issued, the petitioner will be able to apply for the state video gaming license.
8. The proposed hours of operation for the video gaming establishment would be, Sunday -Thursday 9:00 AM to 12:00 AM, and Friday and Saturday, 9 PM to 2 AM. These proposed hours meet the restrictions for the Class A license of Sun.-Thurs. 8:00 AM to 1:00 AM and Fri.-Sat. 8:00 AM to 2:00 AM.
9. Parking for the Cartland Building consists of 36 spaces located west of the building. This use would require 3 parking spaces. There are five (5) public parking spaces directly in front of the building. There appears to be sufficient parking for this use.

RECOMMENDATION

1. The Staff recommends approval of the special uses for serving liquor in conjunction with a video gaming facility and outdoor seating requested with the following conditions and findings of fact;
 - A. The petitioner shall obtain all required building permits;
 - B. The petitioner shall obtain a Class A liquor license;
 - C. The petitioner shall obtain a Village Video Gaming License;
 - D. The outdoor seating area shall be limited to a maximum of four (4) seats;
 - E. The outdoor seating shall only be allowed in the area identified in the Outdoor Seating Plan received by the Community Development Department on 4/24/15;
 - F. The outdoor seating area fence detail shall be submitted and approved by the Community Development Department;
 - G. The outdoor seating area shall be maintained and free from trash and debris at all times;
 - H. That the hours of operation for the outdoor seating area shall be restricted to Sunday -Thursday 11:00am-10:00pm and Friday and Saturday 11:00am-11:00pm ;

- I. The tables and chairs will be brought inside every evening; and
 - J. Findings of Fact (Special Uses - Outdoor Seating & Serving Liquor)
 - i. The proposed video gaming establishment serving liquor and providing outdoor seating at 300 Bartlett Avenue is desirable and will provide a service and facility which is in the interest of public convenience and will contribute to the general welfare or the community;
 - ii. That this use will not under the circumstances of the particular case be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity or be injurious to property value or improvement in the vicinity;
 - iii. That the special uses shall conform to the regulations and conditions specified in the Bartlett Zoning Ordinance for such use and with the stipulations and conditions made a part of the authorization granted by the Village Board of Trustees.
2. The Plan Commission conducted the public hearing and reviewed the petitioner's request for Special Use Permits – To Serve Beer & Wine and have Outdoor Seating at their July 9, 2015 meeting. Numerous residents in the neighborhood to the north of the commercial area came out and spoke against the special use permit at the public hearing. In addition, a letter of support for the project was submitted and entered in to the record.
- The Plan Commission **failed to approve** a positive recommendation of the petitioner's request for the Special Use Permits to the Village Board. Therefore, the petition will move forward to the Village Board without a positive recommendation.
3. The Plan Commission minutes, correspondence received regarding the petitioner's request and background information are attached for your review.

/jjp/attachments

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RECEIVED
COMMUNITY DEVELOPMENT

APR 24 2015

VILLAGE OF
BARTLETT

PDS Enterprises Bartlett LLC
Daniela's Bistro
Peter Zaikowski
1572 Knoll Crest
Bartlett IL 60103
630-512-7312
peterzaikowski@gmail.com

March 10, 2015

Village of Bartlett
Request for Special Use permit
228 S. Main Street
Bartlett IL 60103

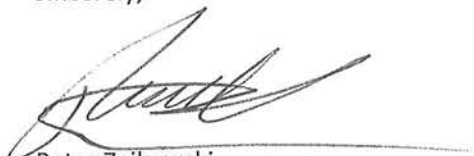
Dear President and Board of Trustees:

PDS Enterprises Bartlett LLC. is locally owned, and operated by Peter and Daniela Zaikowski, residents of Bartlett Illinois with over 30 years' experience in the restaurant and bar industry . We are looking to open Daniela's Bistro at 300 Bartlett Ave. Daniela's Bistro will provide a comfortable place for locals to come for a premium gaming experience, striving to be the gaming Bistro of choice for the locals in Bartlett and surrounding suburbs.

Daniela's Bistro will be a unique gathering place. Providing exemplary service (imagine walking into a cozy environment and being warmly greeted each day with a smile), a simple yet unique themed menu and fun atmosphere will create a sense of 'belonging' for locals and visitors alike. Our credo is: "A happy enthusiastic environment creates a happy enthusiastic guest"

Daniela's Bistro wants to be part of the community; we are planning to join the Chamber of Commerce as well as hosting many charity events. We have enjoyed being residents of Bartlett and want to help keep the friendly and neighborhood feel that brought us to live in Bartlett

Sincerely,



Peter Zaikowski

President

PDS Enterprises Bartlett LLC.

John T. Cartland
4024 Dundee Road
Northbrook, IL 60062

May 9, 2015

Mr. Tony Fradin, CEcD
Economic Development Coordinator
Village of Bartlett
228 S. Main Street
Bartlett, IL 60103

Fax: 630-540-5436

RE: 300 Bartlett Avenue
Bartlett, IL

RECEIVED
COMMUNITY DEVELOPMENT

MAY 11 2015

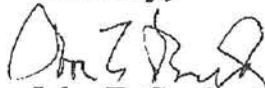
VILLAGE OF
BARTLETT

Dear Tony:

Please be advised that I am the owner of the above referenced property, and I give my permission for Pete Zaikowski of PDS Enterprises Bartlett, LLC to apply for a special use permit to conduct a video gaming facility in my building.

If you have any questions, please feel free to contact me. The best place to reach me is on my cell at 847-337-0637.

Cordially,


John T. Cartland



VILLAGE OF BARTLETT SPECIAL USE PERMIT APPLICATION

For Office Use Only
Case # 15-09
RECEIVED
COMMUNITY DEVELOPMENT
(Village Stamp)
APR 24 2015
VILLAGE OF BARTLETT

PROJECT NAME: Daniela's Bistro
(Please type or complete in blue or black ink.)

PETITIONER INFORMATION

Name: PETER ZAIKOWSKI
Address: 1572 Knoll Crest
Bartlett IL 60103

Phone: _____
Fax: _____
Mobile: 630-512-7312
Email: PETER.ZAIKOWSKI@gmail.com

PROPERTY OWNER INFORMATION

Name: John Cartland
Address: 304 S Hickory Av
Bartlett IL 60103

Phone: 847-322-8716
Fax: _____
Mobile: _____
Email: _____

SPECIAL USE PERMIT REQUESTED (Please describe i.e. liquor sales, outdoor seating, etc.)

Class A Liquor Sales & video gaming
outdoor seating

PROPERTY INFORMATION

Common Address/General Location of Property: 300 Bartlett Ave.
Bartlett IL 60103

Property Index Number ("Tax PIN"/"Parcel ID"): 06-34-403-014-000

Zoning: B-1 Land Use: Commercial
(Refer to Official Zoning Map)

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

Acreage: _____

APPLICANT'S EXPERTS (Including name, address, phone, fax and email; mobile phone is optional)

Attorney: Rosario A. Picone Jr
510 S East Av Oak Park IL 60304

Surveyor: _____

Other: _____

FINDINGS OF FACT FOR SPECIAL USES

Both the Plan Commission and Village Board must decide if the requested Special Use meets the standards established by the Village of Bartlett Zoning Ordinance.

The Plan Commission shall make findings based upon evidence presented on the following standards: (Please respond to each of these standards in writing below as it relates to your case. It is important that you write legibly or type your responses as this application will be included with the staff report for the Plan Commission and Village Board to review.)

1. That the proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.

We Believe that this will be A great Location for Daniela's. It will offer A safe and comfortable place for the community to come eat, drink and enjoy A premium gaming experience.

2. That such use will not under the circumstances of the particular case be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or be injurious to property value or improvement in the vicinity.

This use will Bring NO such harm to the community. It will only Bring value to our community.

3. That the special use shall conform to the regulations and conditions specified in this Title for such use and with the stipulation and conditions made a part of the authorization granted by the Village Board of Trustees.

We will safely Follow All Rules AND regulations.

ACKNOWLEDGEMENT

The undersigned hereby acknowledges he/she is familiar with the code requirements which relate to this petition and certifies that this submittal is in conformance with such code(s). He/she further understands that any late, incomplete or non-conforming submittal will not be scheduled on an agenda for a public hearing.

SIGNED: _____
PRINT NAME: PETE ZAIKOWSKI
DATED: 3-10-2015

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, consulting planner's fees, public advertising expenses, court reporter fees and recording expenses. Please complete (print) the information requested below and provide a signature.

NAME OF PERSON TO BE BILLED: PETE ZAIKOWSKI
ADDRESS: 1572 Knoll Crest
Bartlett IL 60103
PHONE NUMBER: 630-512-7312
SIGNED: _____
DATED: 3-10-2015

RECEIVED
COMMUNITY DEVELOPMENT

APR 24 2015

VILLAGE OF
BARTLETT

DANIELA'S
BISTRO
BUSINESS PLAN
300 BARTLETT AVE
BARTLETT IL 60103

PDS ENTERPRISES BARTLETT LLC.
PETE ZAIKOWSKI
1572 KNOLL CREST
BARTLETT IL 60103
EMAIL PETERZAIKOWSKI@GMAIL.COM
PHONE 630-512-7312

MARCH 1ST 2015



APPETIZERS**SPINACH ARTICHOKE DIP***Served with warm tostada chips*

0.00

SOUTHWESTERN EGGROLLS*Served with avocado ranch sauce*

0.00

BAKED CHICKEN WINGS*Served with BBQ or honey mustard dipping sauce*

0.00

WARM PRETZEL*With melted cheddar cheese sauce*

0.00

HUMMUS*Served with baked pita chips*

0.00

SOUP AND CHILI

Try one of our homemade soups or Chili

SOUP OF THE DAY

0.00

CHICKEN NOODLE SOUP*Homemade*

0.00

CHILI*Real beef chili*

0.00

TURKEY CHILI

0.00

FLAT BREADS**MARGHERITA FLATBREAD***Classic with a definite southwest accent*

0.00

CALIFORNIA GRILLED CHICKEN FLATBREAD*House Special*

0.00

ROASTED VEGETABLE

0.00

BUFFALO CHICKEN

0.00

WILD MUSHROOM & AGED CHEDDAR

0.00

ROASTED EGGPLANT, SPINACH & FETA

0.00

SANDWICHES**GRILLED CHICKEN**

0.00

CLASSIC TURKEY TOASTED

0.00

CHICKEN SALAD

0.00

BBQ PULLED PORK

0.00

MEATBALL HOAGIE

0.00

BREAKFAST**EGG AND CHEESE CROISSANT**

0.00

HAM EGG AND CHEESE CROISSANT

0.00

SAUSAGE EGG AND CHEESE CROISSANT

0.00

TOASTED BAGEL

0.00

TOASTED BAGEL w/LOX

0.00

PEPPER AND EGG SANDWICH

0.00

CINNAMON ROLL

0.00

FRUIT CUP

0.00

DESSERTS**CHOCOLATE CHIP COOKIE**

0.00

TRIPLE LAYER CARROT CAKE

0.00

CHEESE CAKE

0.00

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1.0 Executive Summary

Daniela's will be a unique gathering place in the suburb of Bartlett IL. By providing exemplary service (imagine walking into a cozy environment and being warmly greeted each day with a smile), a simple, yet unique, themed menu and atmosphere will create a sense of 'belonging' for locals and visitors alike. Our credo is: "happy enthusiastic employees create a happy enthusiastic guest".

The success of the cafe is in its owners – with collectively 30+ years' experience in the restaurant and bar industry. We are committed to making this operation a successful one. Employees have been hand selected and share the same views as the owners, that is, keeping the customer happy assures repeat business.

Daniela's has plans to capitalize on the excellent location.

Daniela's is looking to lease the property at 300 Bartlett Ave. for \$1,000 per month.

The following business plan summarizes the future of *Daniela's*, and its future plans for growth.

1.1 Business Objectives

Daniela's will be capitalizing on an established location in Bartlett IL. The bistro will cater to local resident and tourists during the day, and at night, the bistro will cater to local patrons coming home from work for some relaxation. The bistro will provide a menu featuring gourmet flat-breads and a variety of comfort foods for our patrons to enjoy while experiencing premium gaming experience.

To launch the venue with a highly publicized grand opening event in the summer of 2015.

Daniela's plans to generate a profit within the first 24 months of operations and add at least 3 jobs for the community.

The bistro will accomplish these goals by holding itself apart from competition as a premium gaming experience, offering a vast selection of beer and wine, by providing gourmet flat-breads in addition to standard fare, all in a relaxing environment designed to make patrons return.

1.2 Mission Statement

Daniela's will provide a comfortable place for locals to come for a premium gaming experience, striving to be the gaming bistro of choice for the locals in the Bartlett neighborhood and surrounding suburbs. *Daniela's* will be known as the "Cheers Bar" – where everybody knows your name and the business will do this by: providing a relaxed atmosphere encouraging patrons to unwind specifically targeting professionals between the ages of 30 and 65 making \$50,000 annually. *Daniela's* is based on the guiding principles that life is to be enjoyed and this is reflected in its vast selection of beverages, its delicious food offerings and the professional team members. *Daniela's* wants to be synonymous with country singer Toby Keith's song "*I Love This Bar*".

1.3 Guiding Principles

Daniela's philosophy is simple: enjoy life and treat others as you'd want to be treated. These sound principles apply to all life's situations, both personal and professional. At Daniela's, these principles are applied to management, employees, customers and suppliers alike.

Life is to be enjoyed! Daniela's employees love their jobs and their customers! This is not only reflected in the outstanding service – it is because management personally selects and trains each employee putting them in the position that is ideally suited for them.

Integrity – In the spirit of all great bartenders, treat each customer with utmost respect and professionalism. Daniela's bartenders and wait staff are trained to act professionally in all situations. If a regular patron happens to become disorderly say after a particularly stressful day, Daniela's staff is trained to promptly and discreetly order a cab or find a friend to drive them home. No one wants to work with drunken and disorderly individuals and the patrons do not want to be known as such either.

1.4 Keys to Success

Daniela's key to success will be based on:

- Outstanding customer services – Daniela's goal is be the place “where everyone knows your name” All team members are hand selected and love what they do.
- Customer Satisfaction – By providing a quiet and relaxed environment, where friends can meet and unwind and relax.
- Provide a vast offering of specialty beer and wine offerings – catering to the public's increased requirement for variety and sophistication in alcoholic beverages.

2.0 Company Description

Daniela's will be a locally owned neighborhood bistro Owned and operated under PDS Enterprises Bartlett LLC.

Daniela's will occupy a 700 square foot facility located at 300 Bartlett Ave.

The bistro will sea



2.1 Ownership

PDS Enterprises Bartlett LLC.

Daniela Zaikowski 20+ experience years in management and operations of four successful bar and restaurants businesses in the Chicagoland area.

Peter Zaikowski 10+ years' experience in the restaurant and bar industry managing 2 bars for over 10 years, located in Rosemount and Schiller Park Illinois.

2.2 Legal Form
TBA

2.3 Start-Up Summary

Following is a summary of required funds to establish the business:

Tenant improvement costs will be in the form of carpentry, flooring, and painting.

Total starts costs are under \$30,000

Future Improvements
Add counter and kitchen

2.4 Location and Facilities

The location was a key component for Daniela's. We specifically sought this location because the demographics aligned with their target customer.

With 700 square feet Daniela's is centrally located between Streamwood, Hanover Park, Bloomingdale, and Elgin. Having the location in downtown Bartlett will increase the ability of the cafe to advertise.

The bar location specifically meets the needs of the owner's patron profile – that is professionals between the ages of 30-65 with incomes between \$30,000 to \$50,000. The following table briefly summarizes the population in the 5 and 10 mile radius:

Demographic neighboring town Streamwood IL	
Population	39,858
Median Age	35.4
Est. Average Household Income	46,338

Demographic neighboring town Hanover Park IL	
Population	37,973
Median Age	34.8
Est. Average Household Income	63,990

Demographic neighboring town Wayne IL	
Population	2,431
Median Age	41
Est. Average Household Income	91,873

3.0 Products

Daniela's will have a high end the selection of the products, and will adjust to customer demand.

3.1 Products/Services Descriptions

Daniela's will offer a broad and deep variety of specialty beers and wines which will appeal to the public's ever changing and increasingly more sophisticated demands for variety in beer and wine.

Patrons desiring food will not be disappointed by the bistro's food offerings either. We plan on starting with gourmet flat-breads along with specialty burgers.

The kitchen will never close; patrons will always be able to have food

Competitive Comparison

Within a Ten mile radius of the subject are 3 comparable establishments:

Stella's Place Cafe
1015 Stearns Rd
Bartlett Il 60103

Betty's
Army Trail Rd
Bartlett Il 60103

Shelby's
801 S.Route 59
Bartlett Il 60103

3.2 Product/Service Sourcing

The key food suppliers for the business will be Sysco Foods

Alcoholic beverages will be purchased from local distributor.

3.3 Inventory Management

The POS system will be instrumental in Daniela's success. Bartender theft and employee theft can quickly be the financial demise of any business. The POS systems will alert the owner when inventory levels are low and the bar manager when to place his order.

3.4 Warehousing and Fulfillment

N/A

3.5 Future Products/Services

The owners of Daniela's realize the customer is the key to the success of the business and will work continually to improve/enhance the patron experience. Comment cards will be available throughout the bar and management will keenly review these comments, making adjustments as needed.

4.0 Market Analysis

Daniela's will be located next to existing business with an established customer base. We will be able to capitalize on the foot traffic as well as the car and train traffic on Bartlett Ave.

4.1 Industry Analysis

Although people still gather to socialize in bars, just as they have for hundreds of years, other factors have come into play for the industry as well. Problems with driving while intoxicated have changed patterns of people in United States. The growing concern with health and fitness toward the end of the 20th century took its toll on the bar industry. Keeping tabs on this industry requires a look at the alcoholic beverage industry as a whole--what people buy in the store doesn't differ much from what they buy in a bar. The distilled spirits industry generates around \$100 billion in U.S. economic activity annually. (Distilled Spirits Council)

The US bar and nightclub industry includes about 45,000 establishments (single-location companies and branches of multi-location companies) with combined annual revenue of about \$20 billion. No major companies dominate; varying state liquor laws complicate the ability to form large chains. The industry is highly fragmented: the 50 largest companies account for about 5 percent of revenue. (First Research)

Personal income and entertainment needs drive demand. The profitability of individual companies depends on the ability to drive traffic and develop a loyal clientele. Large companies can offer a wide variety of food, drinks, and entertainment, and have scale advantages in purchasing, financing, and marketing. Small companies can compete effectively by serving a local market, offering unique products or entertainment, or providing superior customer service. The industry is labor-intensive: average annual revenue per worker is about \$60,000. (First Research)

Major sources of revenue include beer (about 35 % of sales), distilled spirits or hard liquor (30 %), food and non-alcoholic beverages (20 %), and wine (7 %). (First Research).

4.1.1 Market Size

The US bar and nightclub industry includes about 45,000 establishments (single-location companies and branches of multi-location companies) with combined annual revenue of about \$20 billion. No major companies dominate; varying state liquor laws complicate the ability to form large chains. The industry is highly fragmented: the 50 largest companies account for about 5% of revenue. (First Research)

4.1.2 Industry Participants

There are few barriers to entry in the neighborhood bar industry, and the capital costs of starting a new neighborhood bar are low. However, competition among bars and taverns is intense due to the large number of bars in the target market. When combined with a small industry growth rate, market share gains by one bar will be at the expense of others.

Competing for the neighborhood bar are other small neighborhood bars and larger chain restaurants with full service bars. Additional competition for Daniela's is other types of bars, for example, sports bars, pubs, coffeehouses, and wine sellers. The slower economy resulted in some patrons purchasing from grocery stores, package stores and convenience stores.

4.1.3 Main Competitors

There are 3 competitors in Bartlett Betty's is located on the far south side of town, and Stella's that has two locations in the center of town off Route 59 and Stearns Rd.

4.1.4 Market Segments

- Women age 30 – 65 is our target market
- Tourists and workers on their lunch hour – the bistro is located in a strip mall next to established businesses that will generate foot traffic making it an ideal location for both tourists and residence alike.
- Late night crowd seeking comfort food and libations – Daniela's will have offer a place to relax and enjoy premium gaming experience.

We the potential owners of Daniels's are targeting the following individuals for their target market:

- Household income of \$50,000
- Between the ages of 30 and 65
- Gender Demographic (75% Female, 25% Male)
- Lives within a 10 miles radius of the subject location

4.2 Market Tests

As potential owners we specifically targeted this location because of the established business in the area that would generate instant advertisement for our establishment. 'Neighborhood bistro' in the suburbs – a bistro that is quaint and cozy – but also provides a great option for locals and visitors to enjoy.

While patrons can find similar Venues by traveling more than 3 to 10 miles to Elgin or the other side of town we believe that with the right atmosphere and attitude we can draw even their customers to Daniels's. Experienced in the business, we as potential owners listen to patrons and will create ideas based on their requests and needs.

The local distributors support this business venture as well and based on the area demographics and are anxious tap into this lucrative market.

4.3 Target Market Segment Strategy

Daniela's specifically targets individuals in the local market with incomes between \$30,000 and \$50,000 desiring a quiet neighborhood place to relax and unwind while enjoying premium gaming experience.

This target group was selected primarily because of

- the location,
- the setting is designed to appeal to this target market and
- The current target market only has three venues comparable to the subject.
- **Market Needs**

As the manager of two bars, Daniela's Zaikowski was repeatedly told by her patrons, that they are visiting this type of establishment more and more.

4.3.1 Market Trends

- Recent market trends focus increasingly on healthier lifestyles. Studies have shown that although consumers are drinking less alcohol, their tastes are becoming more discriminating.
- A greater emphasis on technology (POS) and training ("Star Servers and Bartenders") resulting in increased productivity and earnings.
- Upgrades in improvements and interior décor – the days of the dimly lit and dark smoky bar rooms are quickly becoming a thing of the past.

Daniela's is designed to embrace these trends. Daniela's will feature a vast assortment of locally crafted and imported beer offerings. The wine selection will be somewhat smaller but just as impressive. Food offerings will consist of gourmet flat-breads along with, finely prepared daily gourmet specials. The owners will rely on POS system for orders, inventory control, accounting functions, time management and other functions. All bartenders will be hand selected and trained to cross sell appetizers or higher margin items. Daniela's interior is designed to be a comfortable, sociable and enjoyable environment.

4.3.2 Market Growth

Liquor sales and the bar industry overall is demonstrating improving trends. The following is a summary from the February 2012 U.S. Distilled Spirits Council Report:

- Volume / revenue growth at pre-recession levels.
- Revenue up 6.3% to \$20.3 billion
- Volumes up 2.9% to 196 million 9-liter cases
- Growth driven by improving economy/consumer confidence, increase in restaurant sales, stable pricing environment and product innovation
- Improved economy = return of premiumization
- Sales growth has pushed market share to 34.1% of revenue, 33.8% of volume
- Future growth dependent upon state of economy (Industry Review Distilled Spirits Council 02/2012)

4.4 Positioning

Daniela's will position itself as the bistro and premium gaming of choice for patrons desiring a comfortable and relaxing experience. We will appeal to suburbanites living in the area who don't care to travel more than a few minutes from home.

5.0 Marketing Strategy and Implementation

Daniela's will position itself as the bistro of choice by providing top notch service, offering a vast selection of beverages, and providing both gourmet flat-breads as well as daily market specials. The ambience and décor will be comfortable and relaxing, it will be a one of a kind experience in the suburbs. The owners and staff are constantly aware of patrons changing likes and dislikes and the bar and grille will act quickly to make changes to meet these needs.

5.1 SWOT Analysis

The following information summarizes the SWOT analysis. SWOT stands for strengths, weaknesses, opportunities and threats. A SWOT analysis is a method for strategic planning that evaluates these four elements as they relate to the business objectives.

5.1.1 Strengths

- Relatively easy entry and low capital outlay.
- Committed owners with combined 30 years industry experience.
- DANIELA'S will be a unique one of a kind experience in its suburban location.
- Targeted, specific focus on its customers creates a memorable experience for its patrons resulting in repeat business.

5.1.2 Weaknesses

- Disorderly patrons can potentially harm both business reputations or cause collateral damage
- Employee theft can make or break a bar business. Management's exclusive use of the POS system mitigates this risk.
- Very specific target market – if the target market was broader the owners could increase market share in the segment that was the strongest.
- High turnover in bar industry – many bars are here today and gone tomorrow

5.1.3 Opportunities

- Opportunity to obtain a share of a \$16.7 million market

5.1.4 Threats

- Another new entrant could potentially hurt market share; competition is fierce

5.2 Strategy Pyramid

- Strategy: Be the neighborhood bistro of choice
- Tactics: Provide exceptional customer service in a relaxed and inviting environment encouraging patrons to return again
- Programs: Extensive and ongoing employee training. Employees will be rewarded financially for providing impeccable service with opportunities to benefit in profit sharing.
- All staff are hand selected and share the same core beliefs of the owners; everyone will be trained to be keenly aware of patrons and anticipate their needs before the customer does, for example always offering to promptly show them to their table, graciously asking to hang their coats, and bring them their drinks expediently.

5.3 Unique Selling Proposition (USP)

Daniela's will be a small, casual local bistro. The bistro features a vast selection of hand crafted beers – both local and imported, as well as an impressive wine selection. The bar features gourmet flat-breads as well as daily specials.

5.4 Competitive Edge

Daniela's specifically caters to its target market and is truly a unique local gaming experience. The bistro differs in its décor, its extensive beer and wine offerings, Daniela's patrons cannot get this experience in any other bar within a 5 mile radius.

5.5 Marketing Strategy and Positioning

Daniela's is located in the strip mall. Traffic counts approximate 12,000 daily. In addition to its prime location, Daniela's will rely on:

- Advertising
 - Outdoor Signage
 - Grand Opening
- Word of Mouth

According to the Bob Johnson with Beverage Management Institute in Clearwater, South Carolina, the only cost-effective way to advertise a bar is word-of-mouth. "When you don't have word-of-mouth working for you, you are in serious trouble. It's not necessarily terminal. There are still ways to get some advertising and marketing out there without spending a ton of money. But anytime you reach into your own pocket to buy advertising for a bar, it's not good.

"Word-of-mouth advertising is priceless," he continues. "It means everything is right. Everything is happening. The bar is alive. Your employees love working there. They are talking and saying great things about the place, and that is passed on to your customers.

The customers love being there, and they tell other customers. If you can get to that point, it's just priceless."

5.5.1 Positioning Statement

The owners have a combined 30+ year's industry experience in restaurant and bar management and fully support the operation. Daniela's will provide a vast collection of handcrafted beers and wine, and gourmet flat-breads, and will strive to be the premier bistro 'where the locals go' in suburban Cook County. Daniela's will go above and beyond the call of duty making patrons come back and tell everyone they know.

5.5.2 Pricing Strategy

Daniela's pricing will be similar to the competitor's (competition based pricing) initially and management may consider lowering drink prices initially to attract initial patrons. However, near term, when Daniela's captures at least 2% of the local market, management plans to price alcohol and food to be more reflective of acquisition costs.

The menu items are moderately priced. Appetizer range from \$6-8, gourmet flat-breads wraps range from \$6-\$12 and the daily gourmet plates average \$8.00.

5.5.3 Promotion and Advertising Strategy

Daniela's primary promotion and advertising strategy will be outdoor street signage and word of mouth. Additionally the bar is planning a grand opening in summer of, 2015.

In addition, Daniela's will participate in select promotions annually. Once the bistro is up and running, management will determine which nights need a boost. Historically, bars are busiest Friday and Saturday nights, with Thursdays coming in third place. Daniela's might decide to create an promotion night say on Tuesdays or Wednesday evenings. In addition, the bistro will have promotional events on holidays such as Cinco de Mayo and the 4th of July. Management anticipates profit to equate to 3X the cost of advertising the promotion. In order to maintain the high energy levels during the promotions, all prizes will be awarded at the end of the evening. That way, patrons will have to stay all night to see whether or not they've won the grand prize.

5.5.4 Website

Daniela's will have website featuring the menu items, phone number, hours of operation, events calendar and map. The website will also have links to its Facebook Page.

5.5.5 Marketing Programs

The owners of Daniela's will rely on a combination of customer feedback / sales reports captured from the POS to determine how well the bar is performing. Customer comment cards will be available tableside and guests will have the option to receive discounts on appetizers when the card is submitted. Additionally, the neighborhood market will utilize a local 'mystery shopper' company. All employees will be made aware of Daniela's commitment to customer service and this additional tool to be used to evaluate employee performance.

5.6 Sales Strategy

The patrons will be warmly greeted immediately upon entering the bistro. The objective at Daniela's is to make everyone feel at home and be the place 'where everyone knows your name'. Upon finding a comfortable location either on the couch, table, or at a gaming position, patrons will be asked for their drink and food order. Daniela's truly values its employees and provides them with the very best training – and therefore the best service. Management believes that this investment in its employees ensures satisfied customers and in turn repeat business, leading to increased revenues.

Daniela's will be one of the few places that will truly make people happy. The employees will engage in a friendly conversation in hopes of building new relationships with the patrons.

At Daniela's, the staff goes above and beyond the call of duty which makes patrons come back and tell everyone they know.

5.6.1 Sales Forecast

The following table demonstrates the annual sales forecast:

Table 5.6.1 Annual Sales Forecast

Avg Sales forecast	Year 1	Year 2	Year 3
Avg Gaming	96,000	144,000	180,000
Avg Food & Drink	90,500	101,400	113,340
Year	1	2	3
Lottery	96,000	144,000	180,000
Food and Beverage	36,500, 54,000	42,000, 59,400	48,000, 65,340
Total Income	186,500	245,400	293,340
Cost of sales			
Avg Drink	27,000	29,700	32,670
Avg Food	25,550	29,400	33,600
Cost of Sales w/tax	4,817	5,337	5,908
Gross Margin	129,133	180,963	221,162

5.6.2 Sales Programs

Daniela's employees will be the primary salespeople and will participate daily in the tip pool. Employees will participate in ongoing training and be compensated for their accomplishments as well. Daniela's has a strong belief that the business only performs as well its employees.

5.7 Legal

Daniela's will obtain the following licenses: liquor liability license, food service license, sales tax license, and entertainment permit.

5.8 Milestones

The following milestones will guide Daniela's to meet its goals:

Table 5.8 Milestones

Milestone	Date
Secure space and negotiate Lease	April 2015
Obtain and meet necessary licensing requirements	June 2015
Furnish restaurant and bar area	July 2015
Complete Retrofit and Build-Out	July 2015
Purchase inventory, kitchen equipment and POS system	July 2015
Interview and hire employees	July 2015
Grand Opening	Aug 2015
Hire accountant when revenues exceed \$500,000	Year Five

5.9 Exit Strategy

In the event that sales drop more than 20% for more than four consecutive quarters, the bistro' will have to liquidate. After employee's compensation, furniture, and equipment will be sold at auction to repay lenders.

6.0 Organization and Management

The following information provides the organizational components germane to Daniela's.

6.1 Organizational Structure

Daniela's will be owned by PDS Enterprises Bartlett LLC.

General duties will include review of daily operations, inventory control, employee training, employee hiring and firing, ordering supplies, and routine maintenance and upkeep of the bar, equipment and facilities management.

The owners will also hire bartenders.

All full time employees will be compensated with benefits including health insurance and education and training.

6.2 Management Team

Daniela Zaikowski, with over 20 years' experience helped establish two neighborhood-based, independently owned bar and restaurants. These gathering places showcase fine wines with exemplary food offerings.

Peter Zaikowski has over two decades of experience in management, project development, and marketing providing the foundation for his business operations, including site selection,

6.3 Management Team Gaps

Until Daniela's reaches \$500,000 in annual revenues, they will utilize a part time bookkeeper to assist in payroll and income tax preparation (Reference legal and accounting line item on income statement).

6.4 Personnel Plan

The following chart shows employee salaries over the next three year period:

Table 6.4 Personnel Plan

Position	Year 1	Year 2	Year 3
Bartender	20,800	20,800	41,600
owner	20,800	20,800	41,600
Total Personnel Cost	41,600	41,600	83,200

*While the salaries appear low, these employees all benefit from the daily tip pool. Average take home pay is \$24,000 and compares favorably with industry peers.

6.5 Board of Directors

N/A

7.0 Financial Plan

The financial plan will cover the following:

- Required Cost of Start-Up
- Profit and Loss
- Cash Flow
- Balance Sheet
- Financial Ratios

7.1 Important Assumptions

- All 5 employees will be hired from day one of operations (the analysis does not assume employee growth during the initial two years of operations)
- Zero growth in employees' salaries over the first two years, then after initial two years, employees' salaries will be re-evaluated.

- Management salaries remain constant as well - \$1,733 monthly over the initial two years of operations
- Average drink sales price: \$3.25
- Average appetizer sales price: \$5.00
- Average meal sales price: \$7.00

7.2 Start-Up Costs

Following is a summary of required funds to establish the business:

Tenant improvement costs will be in the form of carpentry, flooring, painting.

Future Improvements
Kitchen and equipment

Table 7.2 Start-Up Costs

Startup Expenses	Amount
Insurance	4,200
Beginning Inventory	4,500
Utility Deposit	150
Licenses	2,300
Other initial costs	23,850
Total startup expenses	35,000

7.3 Source and Use of Funds

Table 7.3 Source and Use of Funds

Source and use of Funds	
Owner Injection	35,000
Total source of Funds	35,000
Use of funds	
Lease Property	18,000

7.4 Break-Even Analysis

Total fixed costs are estimated to be \$94,150. The variable cost (overhead) is estimated to be \$4.25 per unit. Units are assumed to be: the combined average of: the average drink, the average appetizer, and the average meal. Based on the assumption of \$12.00 as the average

sales price per unit, plus the average use of video gaming of 40.00 the breakeven revenue then is 2,241 units. Or 6 units per day

7.4.1 Projected Profit and Loss

Daniela's estimated profit and loss for the initial three years of operations is reflected below:

Table 7.5.1 Pro Forma Profit and Loss

7.4.2 Projected Cash Flow

The statement of cash flow shows the incoming and outgoing cash of the business.

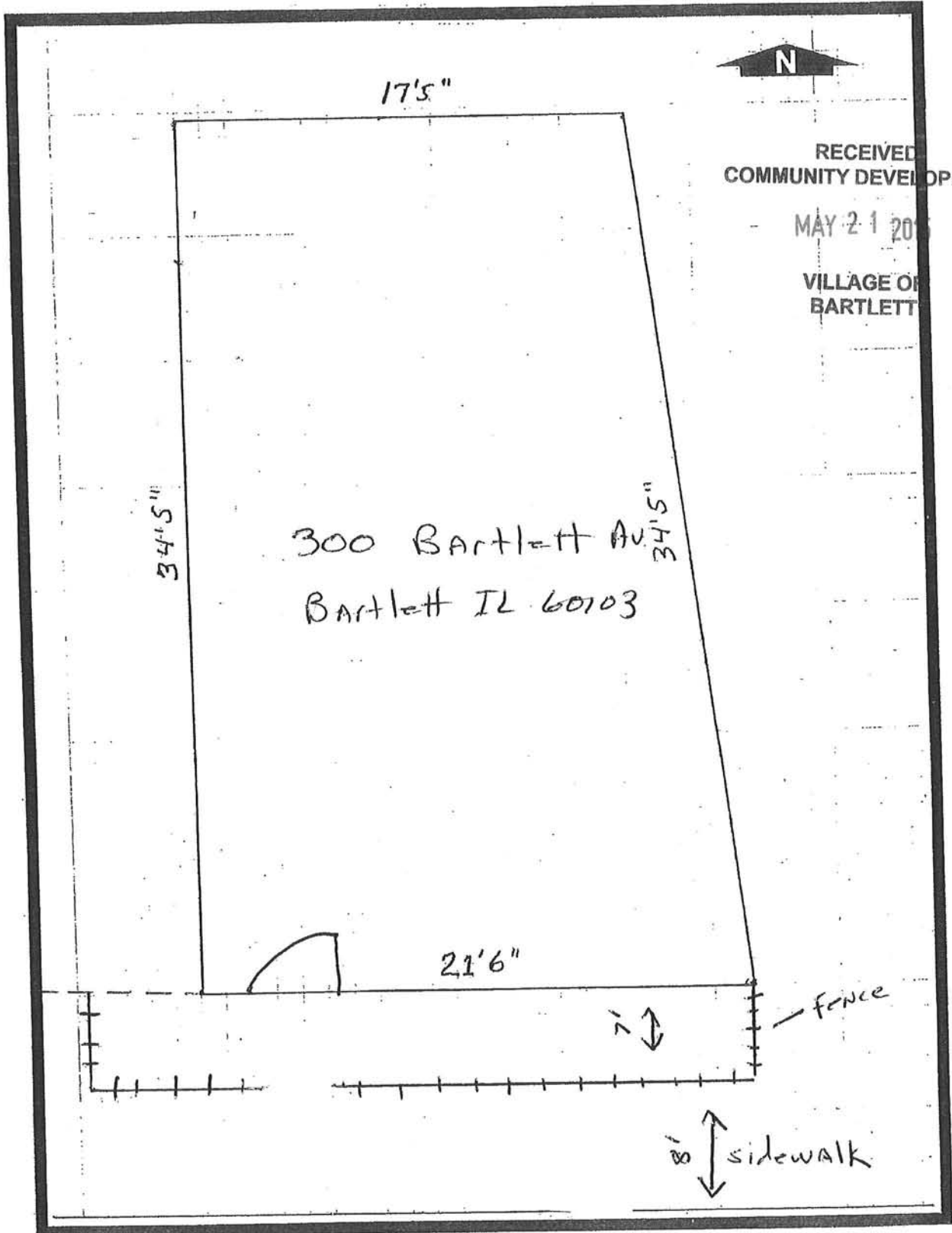
Avg Sales forecast	Year 1	Year 2	Year 3
Avg Drink	54,000	59,400	65,340
Avg Food	36,500	42,000	48,000
Lottery	96,000	144,000	180,000
Total Income	186,500	245,400	293,340
Cost of sales			
Avg Drink	27,000	29,700	32,670
Avg Food	25,550	29,400	33,600
Cost of Sales w/tax	4,817	5,337	5,908
Gross Margin	129,133	180,963	221,162
Expenses	Year 1	Year 2	Year 3
Owners Compensation	20,800	20,800	41,600
Salaries	20,800	20,800	41,600
Advertising	5,000	5,000	5,000
Insurance	14,000	14,000	14,000
Legal	1,000	1,000	1,000
Accounting	500	500	500
Office expense	2,000	2,000	2,000
Repairs	4000	4000	4000
Supplies	2,000	2,000	2,000
Telephone	500	500	500
Internet	1,500	1,500	1,500
Charities (local)	3,000	5,000	7,000
Commercial Lease	18,000	18,000	18,000
Marketing	15,000	15,000	15,000
Utilities	1,000	1,000	1,000
Liquor License	2000	2000	2000
Total Expenses	108,600	110,600	154,200
Net Profit Loss	77,900	134,800	139,140

Table 7.5.2 Pro Forma Cash Flow

Pro Forma cash Flow	Year 1	Year 2	Year 3
Beginning Cash Balance	0.00	77,900	212,700
Cash Flows			
Income from sales	186,500	245,400	293,340
Accounts Receivables			
Total Inflows			
Total cash outflows	108,600	110,600	154,200
	77,900	212,700	351,840

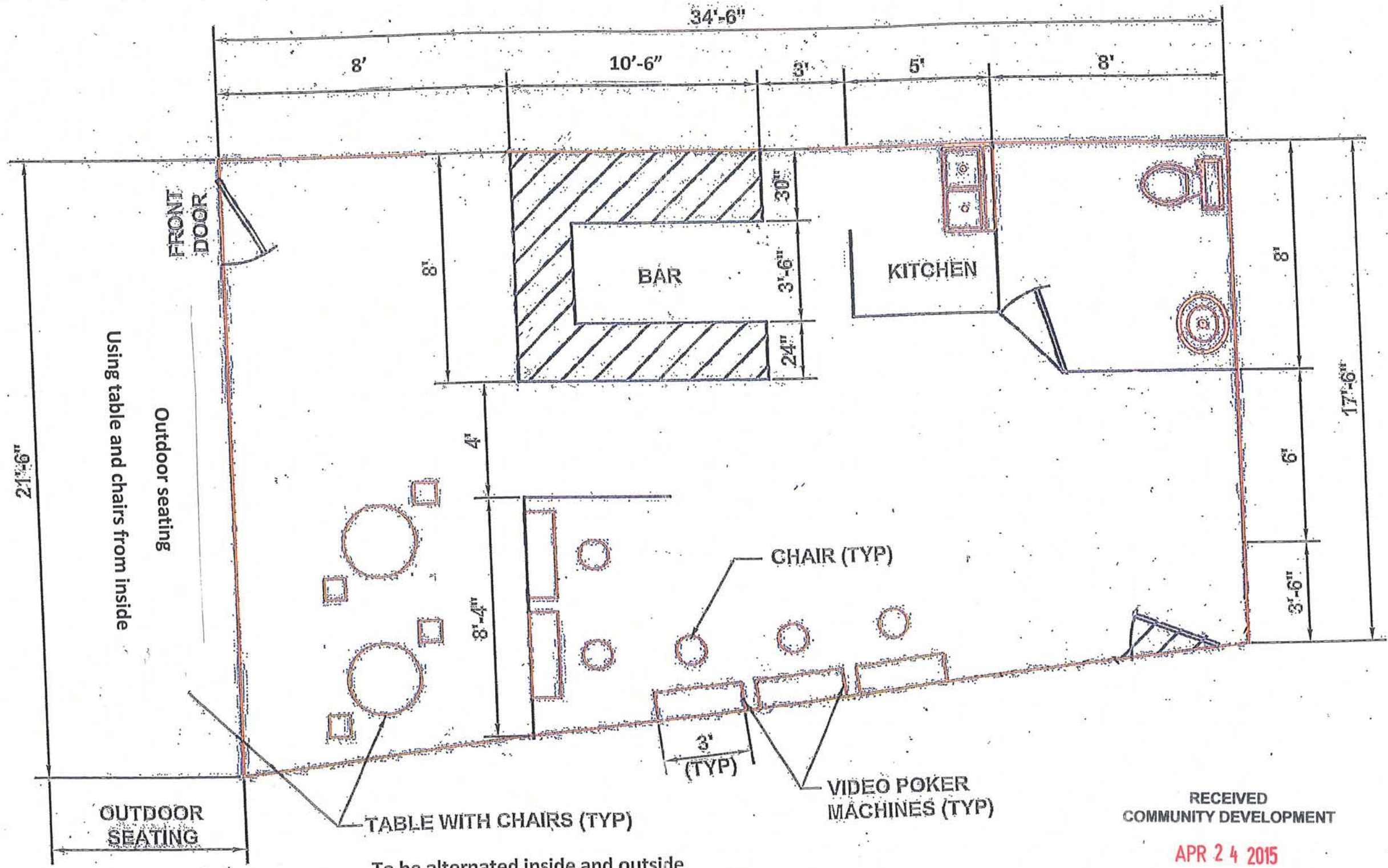
LOCATION MAP





Bartlett Av.

BARTLETT AVENUE



OUTDOOR SEATING

Max # of Employees 1

Total seats 9

TABLE WITH CHAIRS (TYP)

To be alternated inside and outside

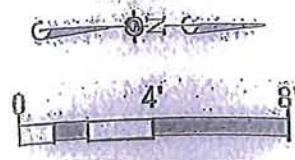
CHAIR (TYP)

VIDEO POKER MACHINES (TYP)

RECEIVED
COMMUNITY DEVELOPMENT

APR 24 2015

VILLAGE OF
BARTLETT



View from W. Bartlett Ave & S Hickory Ave

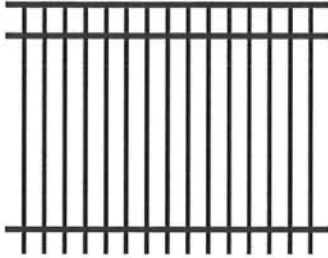


Jefferson 3 ft. x 6 ft. Black Aluminum Fence Panel

RECEIVED
COMMUNITY DEVELOPMENT

MAY 21 2015

VILLAGE OF
BARTLETT



PRODUCT OVERVIEW

Model # RS36B202SN

Internet # 205311139

Jefferson style Aluminum Fence combines the strength and beauty of wrought iron fences with the rust-free properties of aluminum. They can withstand years of moisture, wind, salt and chlorine without rusting or needing repainting. This fence will add prestige and value to any property. No other fence will do so much to enhance the beauty of your home, pool or yard. They are constructed from an exclusive high-strength aluminum alloy called HS-35. This remarkable material has the strength of steel (yield strength of 35,000 psi), but will never rust, even in coastal areas or around swimming pools. Jerith's durable powder coated finish is guaranteed not to crack, chip or peel for as long as you own your fence. Our coating is an environmentally safe, high quality alternative to paint. It is far more durable, fade-resistant and scratch resistant than other fence coatings, which is why we give a lifetime warranty on our products. All Jerith fences, gates and posts are assembled with hidden, stainless steel fasteners for outstanding corrosion resistance and strength. These hidden fasteners allow the fence sections to follow the slope of the ground without any modifications. Finally, our products are extruded, fabricated, coated and assembled entirely in the United States. We pride ourselves on being price competitive while still manufacturing our products in Philadelphia, as we have done for over 50-years.

- Elegant, traditional design adds prestige and value to any property
- Design gives clear view into enclosed area for an open feeling
- Pre-assembled for ease of installation and convenience
- Limited lifetime warranty on workmanship, materials and coating for as long as you own your fence
- Made in the United States
- Also available in green, bronze and white finishes at Home Depot locations (not available online)
- Section will support 300 lb. load without permanent deformation
- Full sections can traverse up to a 22 in. incline from one side of the panel to the other
- 6 ft. Long sections can be easily cut down to size when smaller panels are required

RECEIVED
COMMUNITY DEVELOPMENT

JUL 06 2015

VILLAGE OF
BARTLETT

6 July 2015

Nicholas A. Mostardo
124 S Hickory Avenue
Bartlett, IL 60103

Village of Bartlett Plan Commission
James Lemberg, Chair
228 S. Main Street
Bartlett, IL 60103

Re: Case #15-09, Daniela's Bistro

Dear Mr. Lemberg and Plan Commission Members:

My name is Nicholas Mostardo and I live at 124 S. Hickory Avenue, approximately two parcels north of the proposed establishment, Daniela's Bistro. I purchased my home as a foreclosure in 2012 and subsequently completed extensive renovation of the exterior and interior of the building.

I am writing this letter in support of the proposed project. I believe our neighborhood would benefit from an additional restaurant, and I applaud the business owners for considering downtown Bartlett.

I do not believe a liquor license or video gaming license issued to the establishment would be detrimental to the environment of our historical neighborhood. I have full confidence that any issues would be addressed quickly by our professional police department. I have reviewed the proposed business plan documents included within the application materials and I am satisfied that the petitioner has made the appropriate accommodations to minimize any noise generated by the patrons of the restaurant.

I believe it to be in the benefit of my neighborhood and the community as a whole to allow this project to move on to the next step of the approval process. We need more businesses in Bartlett.

Sincerely,

Nicholas A. Mostardo

Nicholas A. Mostardo

Note: For the purposes of disclosure, I do not personally know, nor am I acquainted with, any of the petitioners in this case.

1 MR. COOK: Abstain.

2 MS. FUENTES: Austin Hopkins.

3 MR. A. HOPKINS: Yes.

4 MS. FUENTES: Tom Connor. Nothing. Okay.

5 CHAIRMAN LEMBERG: This evening we have three
6 public hearings; and if anyone in the audience is
7 going to have a comment or any discussion, we
8 have a form to fill out.

9 Jim, are they back there by the clock or
10 at the podium?

11 MR. PLONCZYNSKI: They're on the table at the
12 back.

13 CHAIRMAN LEMBERG: Back by the clock there?

14 MR. PLONCZYNSKI: Yeah.

15 CHAIRMAN LEMBERG: So if anyone in the public
16 has any comments or any input at all about one of
17 the public hearings that we have, we need for you
18 to fill out one of those papers back there and
19 hand it in to Jim.

20 (No. 15-08, Ace Relocation
21 Systems previously
22 transcribed.)

23 CHAIRMAN LEMBERG: All right. The next item
24 on the agenda then is No. 15-09, Daniela's

1 Bistro, special use permit for serving liquor.
2 This also is a public hearing; and, once again,
3 if anyone has any comments, input they like, we
4 have to fill out one of those little cards.

5 Jim, you want to --

6 MR. PLONCZYNSKI: Yes. We have with us
7 tonight a petition for 300 Bartlett Avenue, which
8 is in the Cartland building at the northwest
9 corner of Bartlett and Hickory Avenue. They are
10 asking for two special uses, one is a special use
11 to serve liquor and one is for outdoor seating in
12 conjunction with a video gaming establishment
13 that they would like to put in that space, which
14 was the old Station Cleaners. Mr. Peter Zaikowski
15 and his wife are the petitioners.

16 The video -- the Village board approved
17 video gaming on July 17th, 2012. Currently, the
18 Village has three video gaming establishments
19 that are solely dedicated to just that use. They
20 all require a liquor license under the state law.
21 We also have video gaming in several existing
22 restaurants and bars.

23 The petitioner would like to have food
24 service with four seats, as well as an

1 entertainment area with five gaming stations,
2 which is the maximum that's allowed under the
3 state law. Total number of seats in the facility
4 would be nine with one employee. There will also
5 be an outdoor seating area during nice weather
6 for patrons who wish to dine and drink outside of
7 the facility. The indoor tables will be moved
8 outside during nice weather. There is no outdoor
9 gambling allowed. It would stay within the
10 facility.

11 As I stated, the state video gaming law
12 requires a valid liquor license. Therefore, the
13 special use. The petitioner has applied for a
14 Class A, which is liquor, beer, and wine, to
15 serve their patrons. Once the liquor license is
16 issued, then the petitioner is able to apply for
17 his state gaming license; and, obviously, if the
18 state grants him, he'll apply for a village
19 gaming license.

20 The proposed hours for the video gaming
21 would be Sunday to Thursday 9:00 a.m. to
22 midnight, Friday and Saturday 9:00 a.m. to 2:00.
23 These hours meet with our -- are within the
24 restrictions allowed under the Class A liquor

1 license, if it is granted.

2 Parking for the Cartland building, which
3 this space is part of, has 36 spaces west of the
4 building. This use due to the square footage and
5 the number of people allowed would be three
6 public parking spaces. There are also five
7 public parking spaces outside the front of the
8 building. There is sufficient parking for this
9 use.

10 Staff recommends approval of the special
11 use for serving liquor in conjunction with the
12 video gaming establishment and outdoor seating
13 with the conditions and findings of fact as
14 stated in your report; and if there aren't any
15 questions, the petitioner and his wife are here.

16 CHAIRMAN LEMBERG: Okay. Do we have all the
17 public documents?

18 MR. PLONCZYNSKI: I do. I have a picture of
19 the sign and the certified mail and the
20 certification that was in the newspaper. I
21 believe you also have a letter of support that
22 you might want to mark as an exhibit because that
23 came in as separate entity before your packets --
24 came in after your packets went out, so we put it

1 in front of you, so this one is an extra.

2 CHAIRMAN LEMBERG: Is that a letter from
3 Mr. Mostardo?

4 MR. PLONCZYNSKI: Yes.

5 CHAIRMAN LEMBERG: What exhibit is that going
6 to be?

7 MR. PLONCZYNSKI: D.

8 CHAIRMAN LEMBERG: Are there any questions
9 from the commission at this time for staff?

10 MR. A. HOPKINS: Yes, I have a question for
11 Jim. I know we see these when they've come in
12 before a lot of people were concerned about
13 bringing in a rowdy crowd and bringing in, you
14 know, different people to the establishment, to
15 the area.

16 Has the Bartlett police had any issues
17 with the other gaming establishments that are of
18 this nature in the town?

19 MR. PLONCZYNSKI: To date, as the police chief
20 will say, we have not had any issues regarding
21 the video gaming establishments that are within
22 the Village. It has not increased crime and we
23 have not had any problems with them.

24 MR. A. HOPKINS: Okay. No -- anybody from the

1 Village -- any of the residents have complained
2 about any of the other establishments or anything
3 that you know of?

4 MR. PLONCZYNSKI: No, not to my knowledge.

5 MR. A. HOPKINS: All right. Thank you.

6 CHAIRMAN LEMBERG: Any questions at this time?

7 No.

8 Is the petitioner here this evening?

9 MR. ZAIKOWSKI: Yes.

10 CHAIRMAN LEMBERG: Okay. Can you stand and
11 anyone else that's going to be giving testimony?
12 Could you raise your right hand and get sworn in?

13 (Witness sworn.)

14 CHAIRMAN LEMBERG: Thank you. Would you state
15 your name and address, please.

16 MR. ZAIKOWSKI: I'm Pete Zaikowski, 1572 Knoll
17 Crest Drive, Bartlett, Illinois. My wife and I
18 are here today. We're looking to open up
19 Daniela's Bistro in downtown Bartlett. We're
20 residents of Bartlett. We both have experience
21 in the restaurant and bar industry for over 30
22 years. We're looking to open a little upscale
23 nine-seat bistro. We're trying to bring traffic
24 to the downtown area. My wife and I go to the

1 downtown area a lot visiting restaurants. We'd
2 like to bring more business to the downtown area.
3 I think this will be a value add for the city.

4 CHAIRMAN LEMBERG: Okay. Any of the members
5 have any questions for the petitioner?

6 MR. RIDENOUR: Well, I think you answered one
7 of my questions. It's just nine seats?

8 MR. ZAIKOWSKI: Yeah.

9 MR. RIDENOUR: Are you planning on any changes
10 to the exterior of the building?

11 MR. ZAIKOWSKI: No. The only thing we plan on
12 changing is adding an awning, a different colored
13 awning, and then a little fence around the
14 outside to put the tables in.

15 MR. RIDENOUR: Are there seats -- there is no
16 seats around the bar then even?

17 MR. ZAIKOWSKI: No, there is no bar. It's
18 just a countertop. Has the five seats for the
19 gaming. There is a little bistro. It's a
20 separated area for the gaming and then the
21 restaurant area. There will be two tables with
22 two chairs each. In the nice weather, we will
23 move those outside; so if any patrons want to sit
24 outside and have a sandwich or a martini, they

1 can do so.

2 MS. NEGELE: I had a question. You say the
3 total number of seats will be nine with one
4 employee. Is that besides you or your wife and
5 one employee or is there just one person?

6 MR. ZAIKOWSKI: One person. Either myself, my
7 wife, or one of the employees.

8 MR. A. HOPKINS: So with the -- so four
9 seats -- there is nine total seats, five of them
10 being the gaming station and four seats. Once
11 you move those tables outside for nice weather
12 and those five stations are taken up on the
13 inside and somebody comes in for a beer, glass of
14 wine, what do they do?

15 MR. ZAIKOWSKI: If they want to sit inside?

16 MR. A. HOPKINS: If all the seats are taken up
17 and you have extra people --

18 MR. ZAIKOWSKI: We'll have to turn them away.

19 MR. A. HOPKINS: All right. Is there any
20 plans to have additional seats? Can it not fit
21 additional seats in there?

22 MR. ZAIKOWSKI: Depending on -- in that
23 establishment, we can't -- we tried to fit a
24 second washroom. It's just too tight. It's only

1 700-square foot. That area is really tight.
2 Putting a second bathroom would be very difficult.
3 If it gets to the point -- I don't see us being
4 that busy where we're going to have 20 people at
5 a time. If it was to get to that point, we had
6 that high of a demand, we would come back to the
7 city and look at adding a second washroom to add
8 more chairs. For right now, we don't anticipate
9 more than nine people at a time.

10 MR. A. HOPKINS: And then as far as security,
11 do you plan on having cameras on the exterior of
12 the building?

13 MR. ZAIKOWSKI: Yes.

14 MR. A. HOPKINS: One last question. I've
15 asked this of all the other owners that have come
16 in to -- that wanted to put this establishment
17 in. If you weren't granted a liquor license,
18 would you be looking at opening a different
19 business there or pursuing some type of something
20 else?

21 MR. ZAIKOWSKI: In that location, no.

22 MR. A. HOPKINS: Thank you.

23 CHAIRMAN LEMBERG: Any other questions from
24 the members?

1 Okay. At this time, I would like to open
2 up to the public. Is there anyone there -- okay.

3 MR. PLONCZYNSKI: Kevin Vanderwater.

4 CHAIRMAN LEMBERG: Could you state your name
5 and address, please.

6 MR. VANDERWATER: I'm Kevin Vanderwater.
7 109 South Oak Avenue, Bartlett, Illinois. I just
8 looked at the plan. I got sent a mail whatever;
9 and you can see that there is five gaming seats
10 and four seats to have a drink with your friends,
11 so it's -- to me this is a gaming establishment
12 and with its primary -- there is only one person
13 they could -- there is not much -- there is not
14 much more than a gaming establishment from what I
15 see and that concerns me.

16 I live in walking distance of this place,
17 and I just do not see this as a benefit to
18 Bartlett. You can't just go with your buddies
19 over there and -- the odds are you can't go.
20 There is not going to be enough room. You're
21 better off going to the Assembly in Schaumburg,
22 wherever that is.

23 Anyway, I just don't see anything good
24 with this and I'll just voice my concern. If

1 they don't get the gaming license, they're out of
2 the business because it's not set up for a bar.
3 It's set up for a gaming experience. That's all
4 I have to say.

5 CHAIRMAN LEMBERG: Okay. Thank you.

6 MR. PLONCZYNSKI: Diane Rocha.

7 MS. ROCHA: I'm Diane Rocha, 315 West North
8 Avenue, and one thing that really concerns me is
9 the location. We're next to a medical building
10 where they're proposing this, so you have
11 children, you have elderly, you have adults
12 coming and going. Around the corner we have the
13 bike shop. Again, we have a lot of children
14 around there. We also have the Metra train
15 exiting there.

16 My daughter is going to be going to
17 Columbia College taking the train. She's
18 terrified of this coming in because she doesn't
19 want to worry about what type of people are going
20 to be there. You're getting off the train.
21 Sometimes she'll be coming home late at night, so
22 that's a big concern for me.

23 And, also, we have 2Toots in town. They
24 wanted to put a gaming establishment there and

1 they said no because that's a family restaurant.
2 Well, what about the bike shop? What about the
3 medical building next door? To me this is just
4 another way to get a gambling establishment in
5 town.

6 We also have a big traffic problem. We
7 live on North Avenue. We're the cut-through
8 street. We've been here complaining before.
9 Nothing gets down. I have semis coming down my
10 street. I have moving vehicles. I have Ace. I
11 have all sorts of traffic constantly. To me this
12 is just going to add more cut-through traffic
13 through our town. It's great for them because
14 it's a great location because of all the traffic
15 that bypasses the downtown area to cut through by
16 us.

17 So I don't see this as win-win for the
18 Village. I see it as win-win for the gaming
19 establishment, so I hope you will not consider
20 them. Thank you.

21 CHAIRMAN LEMBERG: Thank you.

22 MR. PLONCZYNSKI: Mark Materne.

23 MR. MATERNE: Hello. My name is Mark Materne.
24 I live at 329 West North Avenue. I was looking

1 at the plans for this. This is nothing more than
2 a thinly veiled attempt to have video gambling in
3 the city of Bartlett. I really don't see what
4 community service this provides. If it was more
5 of a restaurant as it's primary more business
6 that had video gaming on the side, I would be
7 less against this, but from what I can see, this
8 is just video gambling, pure and simple. It's
9 such a small restaurant. I'm not sure if you
10 wanted to get in you could get in because it's so
11 small.

12 I just don't really see the need. Plus
13 the location isn't, I don't think, good because
14 you're right next to a bicycle shop, you're right
15 next to a medical clinic. You know, if I had
16 small kids, it might be a problem.

17 I'm also concerned about the noise. It's
18 open till 2:00 a.m., I believe, on the weekends.
19 You know, I live two blocks from it and I don't
20 want to be hearing noise from it. It's so small
21 that it may not be a problem, but, you know, who
22 knows. I mean, it's a nice quiet neighborhood.
23 I enjoy it, but I don't see how this is really
24 serving an interest to Bartlett. Thank you very

1 much for your consideration.

2 CHAIRMAN LEMBERG: Thank you.

3 MR. PLONCZYNSKI: Melissa Troyke.

4 MS. TROYKE: Hi. I too live only one block
5 away from this location and feel it is just too
6 close to homes. Are any of the other video
7 establishments or gaming or gambling
8 establishments this close, one block, one
9 building away from residents? How many of them;
10 and is it the back of their buildings or the
11 front of their buildings?

12 Our community is just starting to get
13 young kids again. Most of us are older and we're
14 getting to see new people move in and what do we
15 get, gambling and drinking one block from our
16 homes. I'm totally disgusted to think that this
17 is what this village needs to get any money, and
18 that's what I see this as. So close to homes and
19 children. What does it benefit? Can any one of
20 you tell me, except for monetarily, that this
21 would add to our community, to the old part of
22 Bartlett? Can any one of you?

23 Next door to me are two young children.
24 They're cute as can be. I certainly wouldn't

1 want to see some drunk walk down the street. My
2 father was an alcoholic. I have no tolerance for
3 it. None; and I find this totally unbelievable
4 that this -- that close to homes is something --
5 with five seats for gambling. I never thought of
6 the village of Bartlett as simply a moneymaker.

7 We have more forest preserve and we pay
8 good taxes and this is what our village planners
9 and commissioners and people that live in our
10 community, whether you live on our side of town
11 or not -- it's a sad statement, it truly is, that
12 gambling and liquor that close is really what we
13 want, what you feel is better for our community.
14 I'm very sorry to hear that this is what you
15 would even consider to be of value and good thing
16 for us. Thank you.

17 MR. PLONCZYNSKI: Gary Pllice.

18 MR. PLICE: Hi. Gary Pllice, 128 South Hickory,
19 and I am effectively half a block because that's
20 the only distance that's involved between myself
21 and this location. I've been here 35 years. I
22 can recall when we first moved in there was a hot
23 dog stand in that location. I wouldn't object to
24 a hot dog stand being back there again. That's

1 not a problem. I don't have a problem with a
2 restaurant. I don't particularly have a problem
3 with drinking or gambling per se. They certainly
4 can exist, and I think gambling has certainly
5 added some much needed revenue to the village in
6 the locations where it currently exists.

7 Given that, those current locations are
8 all in shopping centers, in high traffic areas
9 like Route 59, Army Trail Road. Those are the
10 areas where these currently exist and it's a good
11 valid use in those kinds of locations. In the
12 middle of a quiet neighborhood, not so much,
13 especially as one of our previous commenters
14 noted here that the primary purpose of this
15 establishment really is the five gambling
16 stations.

17 One person serving liquor, serving food,
18 whatever food can be served by one person, making
19 sure they can keep change, keep security, all the
20 rest of it, it does not seem to me to be viable.

21 The Village board previously rejected a
22 gaming establishment that wanted to go into the
23 town center. I would be in favor of something in
24 the town center. That's made for this sort of a

1 thing, for putting in retail establishments like
2 that, but -- you know, if you're trying to draw
3 people to that location, this location I don't
4 think so. I would request that you deny the
5 permit. Thank you.

6 CHAIRMAN LEMBERG: Thank you.

7 MR. PLONCZYNSKI: John Holm.

8 MR. HOLM: Hi. John Holm, 230 West Oneida. I
9 live right across from Gary. I'm basically half
10 a block away from the establishment, and I just,
11 you know, after reviewing the plans and looking
12 at it, I think you just call it what it is. It's
13 a gambling and drinking establishment. It's got
14 a five-by-six-foot kitchen that I don't think you
15 can even really make much in. It doesn't appear
16 to be a kind of place that anybody can stop in
17 and have food and converse. It's more just
18 gambling. I mean, if you're not gambling, you're
19 basically waiting for a place to gamble.

20 I just don't feel it belongs in a
21 residential neighborhood. I would much rather
22 see something beneficial or a neighborhood go in
23 there that -- people in the neighborhood can
24 enjoy and use. I don't drink. I don't gamble,

1 so obviously I won't be there, but -- I don't
2 know anyone who does, but I would much rather see
3 something that people could enjoy more in the
4 neighborhood. This is going to collect people
5 from the train station that are going to stop in
6 and gamble and drink, and that's basically what
7 it's going to be.

8 The only thing with the outdoor, I don't
9 know how many people may end up out there. If
10 people come in and, you know, eventually you got
11 two tables with four seats out there, eventually
12 if you end up with a dozen people out there
13 drinking, it's going to be a little chaotic. I
14 just don't think it belongs in a residential
15 neighborhood. Thank you.

16 CHAIRMAN LEMBERG: Thank you.

17 MR. PLONCZYNSKI: That's all that have filled
18 out the forms.

19 MS. FREDRICKSON: I filled out a form.

20 MR. PLONCZYNSKI: What's your name?

21 MS. FREDRICKSON: Pamela Fredrickson.

22 MR. PLONCZYNSKI: Okay. You did. Pamela
23 Fredrickson. Must have got stuck.

24 MS. FREDRICKSON: Hi. This is the first time

1 I've been before the plan commission. Can you
2 show the diagram again of the inside of the
3 establishment, please? Thank you.

4 My name is Pamela Fredrickson Schilling.
5 I live at 111 South Hickory, about a block and a
6 half away. You don't have a diagram of how close
7 that is to the rest of the residents? Okay.
8 Thanks. Yeah, everything north of that is
9 residential homes. The railroad station, which
10 we worked really hard to preserve as a city
11 historic monument, is just -- just south of that
12 building site right there. Yeah, it's right
13 there. So sandwiched between the historical,
14 child-friendly train station and these lovely,
15 old Victorian old original homes of Bartlett you
16 want to put in a gambling establishment, which is
17 just exactly what this is. We have three others,
18 Shelby's, Betty's and, I think, Stella's is the
19 name of the third one. I'm not a hundred percent
20 sure.

21 MR. PLONCZYNSKI: That's right.

22 MS. FREDRICKSON: All located, as someone else
23 said, in commercial areas. I have no problem
24 with gambling. I have no problem with drinking.

1 I'm thinking they're both just fine whoever wants
2 to do that. I have a problem with it in my
3 neighborhood; and I would like to see the people
4 interested in putting this kind of establishment
5 in my neighborhood, I would like to see them put
6 this kind of establishment in their own
7 neighborhoods because this will change the values
8 of our property, it will change the safety of our
9 neighborhood, it will change the noise level in
10 our neighborhood, and I for one won't hesitate to
11 call the police if the noise level is too high.

12 I think that the gentleman,
13 Mr. Plonczynski, had mentioned there were several
14 other of these establishments in areas, in
15 restaurants in the village of Bartlett. That
16 number according to this article in the village --
17 in the Bartlett Examiner is six, so we have six
18 video gambling units or restaurants with video
19 gambling and then we have three freestanding
20 establishments for a total of nine.

21 The other thing that I notice in this
22 article is that it said that this has been
23 discussed by the board in Bartlett in the past
24 and that they decided to hold off making a

1 decision, so my request tonight is that instead
2 of making a decision to approve this special use,
3 I would request you delay that decision until you
4 find out what the village of Bartlett is going to
5 do.

6 There are a couple of lawsuits in court
7 right now. One of them is to give municipalities
8 the authority to limit the number of video gaming
9 licenses, and I think it would be better, or more
10 prudent, to make sure this decision is made after
11 that decision is made.

12 I've lived here in Bartlett since 1992. I
13 lived in Roselle before then, and I thought I'd
14 never love Bartlett as I came to love Roselle,
15 and I do, and I've^m very, very concerned about
16 this. Why we need more gambling in the village
17 of Bartlett, in our little quiet residential area,
18 is just beyond me. I don't understand it, and I
19 did have another thought, and I've just lost it.

20 I guess the other thing is looking at how
21 far these establishments are from each other.
22 The one that just opened on 59 is right at the
23 Blockbuster video store. I think there are
24 some -- I don't know if there is any in the

1 liquor store in the downtown Bartlett area, but I
2 think there is others that are in very close
3 proximity to this one.

4 I appreciate the other residents who said
5 that this is a gambling establishment. It's not
6 a food establishment. I think I read in the
7 plans that they plan to hire one bartender at
8 \$20,000 a year and that concerns me for the
9 standpoint of security and the standpoint of, you
10 know, people being able to maintain order when
11 they're in a situation like that.

12 So I appreciate your listening and thank
13 you for giving me the time.

14 CHAIRMAN LEMBERG: Thank you.

15 MR. PLONCZYNSKI: That was the last one.

16 CHAIRMAN LEMBERG: That was the last?

17 MR. PLONCZYNSKI: Yes.

18 CHAIRMAN LEMBERG: Would the petitioner like
19 to address any of the concerns?

20 MR. ZAIKOWSKI: Sure. I appreciate everything
21 that everyone said and your concerns. My wife
22 and I do live in town. We love Bartlett. We
23 like visiting downtown all the time. We plan on
24 making this an upscale -- There is only nine

1 seats. I know you're concerns about noise and
2 volume. There is only four people allowed
3 outside. There is not going to be a whole lot of
4 noise. We plan on closing the outside at 10:00
5 at night anyways. It's not going to be open till
6 the late hours like we plan on being open till
7 midnight during the week. The outside will be
8 closed at 10:00. We care about the community.
9 We do not want ruckuses. We've done research.
10 There's -- if you've gone into Stella's or
11 Betty's or the other ones, there is never more
12 than four, five people in there at any one time
13 anyways.

14 We will do everything in our power to make
15 this an elegant little bistro. We do plan on
16 serving a nice little restaurant. My wife and I
17 love food. We love making little specialty
18 items. We've already talked to the people at the
19 medical center. A lot of the girls and nurses in
20 there are excited that we're going to be serving
21 lunch so they can go right next door and grab
22 food.

23 I understand everything you're saying, and
24 I just can't tell you enough that we live in this

1 town. We're not going to try to make it something
2 that's going to upset you guys. We'll be happy
3 to work with you. If anything happens, we'll be
4 more than happy to work with the city or you guys
5 to make this a better place. My wife and I plan
6 on getting involved with the community. I
7 understand it is a gambling establishment and most
8 of our money will be made from gambling. We plan
9 on getting involved with the community; charity
10 events, you know, the sports teams, you know
11 sponsoring, getting involved more with the
12 community, if we can, so I hope that helps so you
13 understand where we're coming from. Thank you.

14 CHAIRMAN LEMBERG: Anyone else in the audience
15 have a question or comment?

16 Come up to the podium, please. State your
17 name and address.

18 MR. ROCHA: My name is Joe Rocha. I live at
19 315 West North Avenue, basically the block away,
20 and to be honest there is a -- isn't there a
21 video gambling right across the street, right
22 across the tracks already at Papa -- whatever it
23 is.

24 MR. PLONCZYNSKI: There used to be. They have

1 closed. They're not open anymore.

2 MR. ROCHA: Okay. That didn't last long. My
3 real concern, and everybody else brought this up,
4 is we live a block away. We've been here since
5 1982. I've known all these folks for a long
6 time, and this really is upsetting that this town
7 is turning into a Pottersville, if you will. We
8 don't need this. There has got to be other ways
9 of bringing in revenue. It's just upsetting. I
10 would appreciate it if you would either postpone
11 this vote or vote against it. All right.
12 Thanks.

13 CHAIRMAN LEMBERG: Thank you. Is there anyone
14 else?

15 MR. PLICE: One more little addition, if I
16 may. I spoke earlier. From a history point of
17 view -- Gary Plice, 128 South Hickory.

18 From a history point of view, I'm past
19 president of the Bartlett Historical Society,
20 been involved in Bartlett's history for -- ever
21 since we moved here. The section we're talking
22 about here, this whole area is part of the
23 original Luther Bartlett subdivision that was
24 established in 1873 after the railroad came

1 through and got part of Luther's 40-acre wood lot
2 in order to a put the railroad through in the
3 first place.

4 Luther was very much against liquor. He
5 hated the whole concept. He was one of the early
6 ones campaigning for temperance, and attached to
7 the deed to my home, and indeed many of them in
8 the area, there was an absolute codicil
9 forbidding the sale of liquor. That was Luther's
10 wish at the time that he established this thing.
11 Everything south of the tracks was allowed to
12 have liquor. That's where the first taverns were
13 established, but you notice there was nothing
14 north of the tracks because that was Luther's
15 area and he didn't allow it. I don't even know
16 for sure whether those codicils still exist for
17 these properties, but it might be something that
18 ought to be looked into, that -- in that
19 particular area in the original Luther Bartlett
20 subdivision there was to be no liquor stands,
21 period. Something to think about.

22 CHAIRMAN LEMBERG: Thank you. Okay. At this
23 time I close the public hearing.

24 Members of the commission have any

1 questions for the petitioner or staff?

2 MS. NEGELE: I have one. Is this -- was this
3 your business plan because it says here in the
4 company description that the bistro will seat 15.

5 MR. ZAIKOWSKI: When we originally set up that
6 plan, we were trying to get -- lock in the
7 location next to Savoury. There was a cleaners
8 over there and to press for time we didn't amend
9 for everything. I thought I got everything on
10 that sheet. When we originally came to talk to
11 the city, we were trying to open up over there,
12 and there we would have had more seats and I
13 might not have just changed that. I'm sorry.

14 MR. KALLAS: Jim, how much revenue is coming
15 in from these little gambling places?

16 MR. PLONCZYNSKI: About \$100,000 a year total,
17 give or take a few. It's running pretty
18 consistently. Now, we just had one close, so
19 that could drop a little bit, but it's probably
20 going about \$12,000 a month.

21 MR. KALLAS: Okay. The other small bistros,
22 or whatever you call them, how many seats do they
23 have in there for serving, you know --

24 MR. PLONCZYNSKI: They vary. I mean, all of

1 them that are freestanding have the five video
2 games because they've all maxed their state
3 limit, and then some of them have a bigger space,
4 so they have more free seating to do -- you know,
5 to eat or to -- they all offer, like, WiFi.
6 People go there to have coffee or sit, but
7 depends on the size. There are some that are
8 1200 square feet. There is one that's probably
9 like 1500 square feet, so the bigger ones,
10 they're almost twice the size of what Peter wants
11 to do, so they do have more seating and they are
12 in shopping centers, as Mr. Plice said.

13 MR. KALLAS: I know where they are. When we
14 first started this, I was against them coming in
15 to begin with. This being so small, and as the
16 people say, and I have to agree, that it's just a
17 gambling place.

18 MR. PLONCZYNSKI: It is.

19 MR. KALLAS: Don't name it a bistro because I
20 mean, with four chairs, come on. It's just a
21 gambling place, that's all it is; and I -- I just
22 wish the Village board would get their act
23 together and limit how many liquor licenses they
24 give.

1 MR. PLONCZYNSKI: Currently they cannot do
2 that. As that lady stated, she's absolutely
3 right, there is a lawsuit pending that could
4 allow a limiting number of gaming establishments,
5 but right now that doesn't exist. It's -- the
6 only limiting factor is a liquor license, so if a
7 community decides not to issue a liquor license,
8 you cannot get a gaming license.

9 MR. KALLAS: That I totally understand. I
10 don't know -- you know, I made the comment once
11 before that got me into trouble, and I'm going to
12 make the comment again, Bartlett is getting to be
13 a small Las Vegas, gambling every place and --
14 it's helping us financially, I understand, but
15 again, you know -- you know, I just wish the
16 liquor license were stopped and these people
17 couldn't do it anymore.

18 CHAIRMAN LEMBERG: Any other comments?

19 MR. M. HOPKINS: You know, my vote is going to
20 be based upon disagreeing with the findings of
21 fact items one and two. So item one says,
22 proposed video gaming establishment serving liquor
23 and outdoor -- outdoor seating at 300 Bartlett
24 Avenue is desirable. I disagree with that; and

1 will provide a service and facility which is in
2 the interest of public convenience and will
3 contribute to the general welfare of the
4 community. I disagree with that.

5 Item two says, that this use will not
6 under the circumstances of the particular case be
7 detrimental to the health, safety, morals, or
8 general welfare of persons residing or working
9 within the vicinity or be injurious to property
10 value or improvement in the vicinity. I disagree
11 with that finding of fact also.

12 CHAIRMAN LEMBERG: Okay. Any other comments?
13 Questions? No?

14 MR. COOK: I have one question. In terms of
15 the outside elevation, I didn't see any plans for
16 the outside elevation, just a rehash of the
17 current tenant.

18 MR. ZAIKOWSKI: Outside --

19 MR. COOK: Your outside elevation plans.

20 UNIDENTIFIED SPEAKER: New awning he's going
21 to put on, and that's it.

22 MR. COOK: I want to hear it from the
23 petitioner.

24 MR. ZAIKOWSKI: I don't understand what you're

1 looking for.

2 MR. COOK: What's going to change?

3 MR. ZAIKOWSKI: We're just going to put fencing
4 around the outside so that people will be
5 segmented if they come out with a drink from the
6 general public. That yellow area will be a black
7 fence. I think it's in your packet, the fence we
8 were looking at, to put around there so we can
9 segment the people that out there, the alcohol
10 from the people walking on the sidewalk.

11 MR. COOK: Are you putting up a new awning
12 or --

13 MR. ZAIKOWSKI: We're just going to change the
14 color of the awning. We're putting up a new dark
15 blue awning that just says Daniela's, that's it.

16 MR. COOK: And is there outdoor lighting?

17 MR. ZAIKOWSKI: The lights that are there
18 right now, we are planning on doing two bullet
19 lights on each side going up and down, that's it.

20 MR. COOK: Okay.

21 CHAIRMAN LEMBERG: I'll be looking for a
22 motion then to approve the special use permits,
23 A, to serve liquor and, B, for outdoor seating in
24 conjunction with a video gaming establishment

1 along with following conditions and findings of
2 fact.

3 Is there a motion?

4 MR. KALLAS: So moved.

5 MR. RIDENOUR: Second.

6 CHAIRMAN LEMBERG: Any further discussion?

7 Secretary call the roll.

8 MS. FUENTES: John Miaso.

9 MR. MIASO: Yes.

10 MS. FUENTES: Tim Ridenour.

11 MR. RIDENOUR: No.

12 MS. FUENTES: Mark Hopkins.

13 MR. M. HOPKINS: No.

14 MS. FUENTES: Jerry Kallas.

15 MR. KALLAS: No.

16 MS. FUENTES: Diane Negele.

17 MS. NEGELE: No.

18 MS. FUENTES: Shane Cook.

19 MR. COOK: Yes.

20 MS. FUENTES: Austin Hopkins.

21 MR. A. HOPKINS: No.

22 MS. FUENTES: Motion denied.

23 CHAIRMAN LEMBERG: Okay. Motion denied then,
24 so you'll have to go between the trustees for the

1 next --

2 MR. PLONCZYNSKI: This will be forwarded on to
3 the Village board committee without a positive
4 recommendation from the plan commission.

5 CHAIRMAN LEMBERG: Thank you.

6 UNIDENTIFIED SPEAKER: Thank you very much.

7 CHAIRMAN LEMBERG: Next item on our agenda is
8 item 15-11, Starbucks, special use permit serving
9 beer and wine. It's also a public hearing. If
10 anyone has any question or comment, I ask that
11 you fill out that form; and, Angela, we have all
12 the documents, public hearing?

13 MS. ZUBKO: Yes, we do.

14 CHAIRMAN LEMBERG: Notifications. We do.
15 Okay. Would you like --

16 MS. ZUBKO: All right. The property is
17 located at 1681 South Illinois Route 59, which is
18 the northeast corner of Route 59 and Army Trail
19 Road. The Starbucks is located in The Shops at
20 Far Hills shopping center and includes a drive-up
21 facility and outdoor seating for Starbucks.
22 They've been there in that location since 1999
23 and just completed a renovation, slash, update.
24 Along with proposing to offer beer and wine for



Agenda Item Executive Summary

Item Name	Case # 15-11 – Starbucks special use to serve beer and wine	Committee or Board	Village Board Committee of the Whole
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BUDGET IMPACT

Amount:	N/A	Budgeted	N/A
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List what fund	N/A
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EXECUTIVE SUMMARY

A request for a **SPECIAL USE PERMIT** to serve beer & wine located at 1681 South IL Route 59 at the northeast corner of Route 59 and Army Trail Road in the Shops at Far Hills Shopping Center.

The **Plan Commission** conducted the public hearing and reviewed the Petitioner's requests at their meeting on July 9, 2015. The Commission recommended **approval** subject to the conditions and Findings of Fact outlined in the Staff Memo.

ATTACHMENTS (PLEASE LIST)

CD Staff Memo, 7/9/15 Plan Commission Minutes, Applicant Cover Letter, Application, Location Map, Site Plan, Floor Plan, Fence and Outdoor Seating Plan, Fence detail

ACTION REQUESTED

For Discussion Only X to discuss the project and forward to the Village Board for a final vote.

Resolution _____

Ordinance _____


Motion _____

Staff: Jim Plonczynski

Date: 8/6/15

COMMUNITY DEVELOPMENT MEMORANDUM

15-154

DATE: August 6, 2015
TO: Valerie L. Salmons, Village Administrator
FROM: Jim Plonczynski,  Director
RE: **(#15-11) Starbucks**

PETITIONER

Coffee House Holdings, Inc.

SUBJECT SITE

1681 South IL Route 59 – The Shops at Far Hills (Northeast corner of Route 59 and Army Trail Road)

REQUEST

Special Use Permit –To serve beer and wine.

SURROUNDING LAND USES

	<u>Land Use</u>	<u>Comprehensive Plan</u>	<u>Zoning</u>
Subject Site	Commercial	Commercial	B-3 PUD
North	Commercial	Commercial	B-3 PUD
South	Commercial	Commercial	B-3
East	Vacant	Mixed use/ Residential	R-1 (DuPage)
West	Church (house)	Estate Residential	R-1 (DuPage)

DISCUSSION

1. The petitioner is requesting a Special Use Permit to serve beer and wine at their current location.
2. Starbucks is located in the Shops at Far Hills Shopping Center which was approved by Ordinance #1999-76 including a drive-up facility and outdoor seating for Starbucks.
3. The petitioner has been at this location since 1999 and is going under a renovation/update for a new Starbucks concept. The petitioner is proposing to offer beer and wine for their patrons including a new evening menu.
4. A 3' high fence around the existing outdoor seating area is required for outdoor liquor service and they must maintain an accessible pedestrian walkway between the enclosure and the parking stalls. The fence location is included on both the Floor Plan and the Fence and Outdoor Seating Plan. There is also a fence detail provided including the size and materials.

5. Starbucks is currently open Monday-Saturday from 4:30 a.m. to 10:30 p.m. and Sunday from 5:30 a.m. to 9:00 p.m. The Starbucks evening menu would start around 4:00 p.m. daily and be served until regular closing hours which are proposed to be 11:00 p.m. Sunday-Thursday and 12:00 a.m. Friday and Saturday. These proposed hours meet the restrictions for the Class B liquor license of Sun.-Thurs. 8:00 a.m. to 1:00 a.m. and Fri.-Sat. 8:00 a.m. to 2:00 a.m. Starbucks is aware they can only serve beer or wine during the hours specified for the Class B liquor license.
6. There are currently seven Chicagoland locations open that serve beer and wine with their evening menu. There are 37 locations throughout the United States.
7. On average Starbuck's sells about 12-15 alcoholic drinks a day and has had no citations or issues with selling alcohol.

RECOMMENDATION

1. The Staff recommends approval of the Special Use for serving beer and wine as requested subject to the following conditions and findings of fact;
 - A. The petitioner shall obtain all required building permits;
 - B. The petitioner shall obtain a Class B liquor license;
 - C. The 3' high outdoor fence must be installed before a liquor license is issued;
 - D. Removal of the outdoor seating that is located on an accessible ramp.
 - E. Findings of Fact (Special Uses - Serving Liquor)
 - i. The proposed use of serving beer and wine at the Starbuck's located at Route 59 and Army Trail Road is desirable and will provide a service and facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;
 - ii. That this use will not under the circumstances of the particular case be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or be injurious to property value or improvement in the vicinity;
 - iii. That the special use shall conform to the regulations and conditions specified in the Bartlett Zoning Ordinance for such use and with the stipulation and conditions made a part of the authorization granted by the village board of trustees.
2. The Plan Commission conducted the public hearing and reviewed the Petitioner's requests at their meeting on July 9, 2015. The Commission recommended **approval** of the Petitioner's request subject to the conditions outlined above and the Findings of Fact.
3. Attached are the Minutes from the Plan Commission Meeting and additional background information for your review.

ALZ/attachments

x:\comdev\mem2015\154_Starbucks_liquor_vbc2.docx

1 next --

2 MR. PLONCZYNSKI: This will be forwarded on to
3 the Village board committee without a positive
4 recommendation from the plan commission.

5 CHAIRMAN LEMBERG: Thank you.

6 UNIDENTIFIED SPEAKER: Thank you very much.

7 CHAIRMAN LEMBERG: Next item on our agenda is
8 item 15-11, Starbucks, special use permit serving
9 beer and wine. It's also a public hearing. If
10 anyone has any question or comment, I ask that
11 you fill out that form; and, Angela, we have all
12 the documents, public hearing?

13 MS. ZUBKO: Yes, we do.

14 CHAIRMAN LEMBERG: Notifications. We do.
15 Okay. Would you like --

16 MS. ZUBKO: All right. The property is
17 located at 1681 South Illinois Route 59, which is
18 the northeast corner of Route 59 and Army Trail
19 Road. The Starbucks is located in The Shops at
20 Far Hills shopping center and includes a drive-up
21 facility and outdoor seating for Starbucks.
22 They've been there in that location since 1999
23 and just completed a renovation, slash, update.
24 Along with proposing to offer beer and wine for

1 their patrons, they will also be serving a new
2 evening menu.

3 A 36-inch fence around the existing outdoor
4 seating area is required for outdoor liquor
5 service and they must maintain an accessible
6 pedestrian walkway between the enclosure and the
7 parking stalls. The fence location is included
8 on both the floor plan and the fence and outdoor
9 seating plan. There is also a fence detail
10 provided along -- provided including the size and
11 materials.

12 Starbucks is currently open Monday through
13 Saturday from 4:30 a.m. to 10:30 p.m. and Sunday
14 from 5:30 a.m. to 9:00 p.m. The Starbucks
15 evening menu would start at 2:00 p.m. and be
16 served until regular closing hours which are
17 proposed to actually change to 11:00 p.m. Sunday
18 through Thursday and midnight Friday and
19 Saturday.

20 They are -- there are currently seven
21 Chicagoland locations open that serve beer and
22 wine with their evening menu and there are 37
23 locations throughout the United States.

24 Staff does recommend approval of the

1 special use for serving beer and wine as requested
2 with the following conditions and findings of
3 fact as outlined in the staff's report and the
4 petitioners are here.

5 CHAIRMAN LEMBERG: Thank you. Members have
6 any questions of staff at this time?

7 Is the petitioner here this evening?

8 MR. POWELL: Yes.

9 CHAIRMAN LEMBERG: Can you stand, please, and
10 anyone else that's going to give testimony.
11 Raise your right hand, please.

12 (Witness sworn.)

13 CHAIRMAN LEMBERG: Okay. Would you like to
14 make a statement at the podium. Name and
15 address, please.

16 MR. POWELL: Good evening. My name is Harlan
17 Powell. I'm, actually, the attorney representing
18 Starbucks with regard to their efforts to obtain
19 the liquor license for this location, and with me
20 I have Miss Emily Shook. My address is 320 West
21 Ohio, Chicago, Illinois.

22 MS. SHOOK: Emily Shook. I'm with Starbucks.
23 I'm the district manager for the store in
24 Bartlett. I'm at 501 Locust in Geneva.

1 CHAIRMAN LEMBERG: Okay. Do you have anything
2 you would like to add, other than what staff had?

3 MS. SHOOK: Not much to add. I think he did a
4 good job of recapping that. We do have a staff
5 typically at that time -- you know, in the alcohol
6 service, we would have five, what we call,
7 partners or employees working. It is limited
8 beer and wine selection. It has more to do with
9 the food than the beer and wine. We typically
10 sell at most around 12 or 15 units per day of
11 beer and wine. It is ultimately more about the
12 food than the beer and wine.

13 MR. POWELL: And if I may just add, with
14 regard to the establishments here in the state of
15 Illinois that have been issued licenses in other
16 jurisdictions, this started approximately two
17 years ago as a pilot program in the city of
18 Chicago. It's expanding now into the suburban
19 areas; and in the time that -- since the time
20 they have introduced the evening program, they've
21 had no issues at any location that have been
22 equipped with a license, no allegations of
23 wrongdoing, no citations for illegal service, no
24 liquor to minor issues, what have you. It's been

1 a fairly non-issue in terms of its introduction
2 into the communities where they've chosen to go.

3 CHAIRMAN LEMBERG: Staff have any questions or
4 staff for the petitioner?

5 MR. RIDENOUR: You stated that you only expect
6 to serve 12 to 15 drinks per evening?

7 MR. POWELL: My understanding is that's,
8 actually, even a generous percentage. As
9 Miss Shook stated, what this is really about is
10 attempting to extend the business hours at
11 locations where Starbucks has traditionally seen
12 very high numbers in the early morning,
13 mid-morning, maybe even into the early afternoon
14 hours, and then suddenly this high-performing
15 location suddenly drops down to practically, you
16 know, nothing. The focus is very much on the
17 food items, the new menu. This includes
18 flatbreads, small shareable plates, cheese plates,
19 tapas-type items.

20 The idea is that the same demographics
21 that uses Starbucks as a meeting place during the
22 earlier parts of the day will now see this as a
23 viable alternative to come in the afternoon, in
24 the early and into mid evening portion of the

1 day, but alcoholic beverage sales themselves are
2 not the primary focus of what's trying to be
3 accomplished here; and so to this end, Starbucks
4 does not propose to advertise alcoholic beverage
5 sales in local newspapers. There will be no
6 specials advertised in the windows, no neons,
7 what have you. No installation of televisions or
8 anything that would turn this into a tavern-type
9 environment. The look and feel of the location
10 will remain very much the same with the only
11 exception being that the signage would now be
12 rebranded from the green and white logo that
13 you're used to seeing into a black and white
14 logo. Other than that, there really should be no
15 tangible difference in the user experience, if
16 you will.

17 MR. COOK: You mention this a pilot program
18 for Starbucks. Is it a continuing pilot at this
19 point? It's been in place for two years now.

20 MR. POWELL: Let me clarify. It initially
21 started as a pilot program here in Chicago and, I
22 think, two other markets, Atlanta and one other
23 market I can't remember off the top of my head.
24 Chicago was the initial pilot program area.

1 After reviewing performance at the stores
2 where they had chosen to go in that pilot program
3 basis, they realized that the concept was viable,
4 had legs, and they're now in a second phase where
5 it's rolling out on a wider basis.

6 MR. MIASO: Where are your locations at in
7 Chicago that serve liquor?

8 MR. POWELL: There is one located at Diversey
9 and Sheffield, another at State and Ohio, a third
10 on South Michigan Avenue. I can't remember the
11 cross street.

12 MS. SHOOK: We have Oak and Rush, which is the
13 largest store downtown, and then we also have
14 Burr Ridge.

15 MR. COOK: What about Streets of Woodfield.

16 MS. SHOOK: And Streets of Woodfield, I'm
17 sorry, in Schaumburg.

18 MS. NEGELE: So does the black and white color
19 on the logo depict that that's one that serves
20 alcohol?

21 MS. SHOOK: Currently, yes. That's the
22 indicator externally that the store is an evening
23 store.

24 MS. NEGELE: You're not going to have any

1 other signs outside, like signage, that says it?

2 MS. SHOOK: No. On the -- there is a cling or
3 kind of like a sticker on the doors that shows a
4 couple of items that we serve before 2:00 and
5 then after -- sorry. 4:00. After 4:00, beer,
6 wine and then, I think, cheese and fruit. It's
7 very subtle. It's very, very subtle.

8 MR. KALLAS: So getting a liquor license, have
9 you thought about getting gaming machines?

10 MS. SHOOK: Not even for a second. This is --
11 I think what is comforting for me -- I am a
12 12-year partner at Starbucks and I was part of
13 the original pilot stores. I, actually, was
14 involved in the Burr Ridge store; and what was
15 very comforting to me is it never changed who we
16 were, that our core, we're a coffee company.
17 Like Harlan just said, this is about making a
18 comfortable meeting place in our afternoon where
19 people typically don't think about coming to
20 Starbucks after 4:00.

21 MR. A. HOPKINS: And you'll still be able to
22 get coffee all the way up until --

23 MS. SHOOK: Absolutely.

24 MR. A. HOPKINS: My wife will love that.

1 CHAIRMAN LEMBERG: Any other questions?

2 I'd like to open this up to the public.
3 Is there anyone that would like to make a comment
4 or suggestion?

5 MR. PLONCZYNSKI: Lynn Ward.

6 MS. WARD: My name is Lynn Ward. I live at
7 1425 Polo Drive. It's Woodland Hills subdivision,
8 which is right near this location. I'm here to
9 ask you to please deny this permit for the sale
10 of alcohol for beer and wine at this location.

11 My reasonings are due to common sense.
12 This location is located at a very busy
13 intersection. The entrance and exit from here
14 going south and east are tricky at best.
15 Difficult at many other times. As much as we
16 like to put up signs that say don't block the
17 entrance, the entrance gets blocked.

18 If you have been at this establishment --
19 I think you said that after 4:00 your business
20 goes down. I'm surprised to hear that because
21 I'm at the store quite frequently. I'm there
22 several times a week, sometimes twice a day; and
23 when I'm there at night, I see tables are filled.
24 I see a great use at this establishment of both

1 people who are over the age of 21 and those who
2 are under the age of 21. The youth in our area
3 tend to use this a lot to go and study with their
4 friends, a place to work on projects, a place to
5 visit with their friends, use the WiFi, perhaps
6 do a little bit of gaming themselves. It's a
7 great place. I buy a card for my daughter so
8 that she can go there; and when she does her
9 chores, I reward her and put money on her card so
10 he can go there.

11 To go to this Starbucks, most, if not
12 everyone, has to get in a car to drive there; and
13 unfortunately -- for the most part, anybody that
14 comes to this establishment has to get into a car
15 to drive there. There is very few people that
16 can walk there or have any other means of getting
17 there; and I think we're all well aware that
18 drinking and driving just are not a good mix; and
19 if anybody's life has ever been affected by a
20 drunk driver, I think you'll understand that.
21 Lives are affected by drunk drivers; and with
22 this being a very difficult intersection, I am a
23 bit worried about what could happen here; and
24 it's not just the victims of the accident, the

1 innocent victims, that are affected by the drunk
2 driver. It's the family of the drunk driver
3 themselves and those people are very rarely heard
4 from, but their lives are destroyed and devastated
5 as well. You know, you lose your license to
6 drive, you'll lose a way to get to work, you lose
7 income for your family, and a future of your
8 family.

9 I know that Starbucks has always been a
10 high-end establishment. I know this is not their
11 intention, but it is something that can happen.
12 My worst fear is that somebody comes to Starbucks
13 to buy coffee and says, oh, there is alcohol on
14 the menu. One glass of wine isn't going to hurt.
15 That could be the worst decision that they ever
16 make in their life because there are people, many
17 people, that don't know how to be a responsible
18 drinker and might just make that bad mistake and
19 head out in our community after having lost their
20 ability to operate a car.

21 As I said, this establishment is
22 frequented by teenagers in our area; and if
23 you're going to start serving alcohol at 4:00,
24 they're going to lose this venue to meet in what

1 I call a safe environment for themselves. I have
2 no problem letting my daughter go there right
3 now.

4 On a more personal note, my second visit
5 to Starbucks quite frequently is preceded by a
6 phone call to a friend saying I'm having a really
7 bad day. I would really like to have the
8 opportunity to get together with you and talk;
9 and the reason I go to Starbucks is I need to get
10 away from the alcoholic in my family; and
11 Starbucks is a safe place for me to go to because
12 I won't have to walk into an establishment where
13 liquor is being sold; and I can't tell you how
14 uncomfortable that is for me. I'm having a
15 difficult time going to the CVS across the street
16 that is now also selling liquor because I'm going
17 there to purchase prescribed medicines for the
18 alcoholic in my family who now needs this
19 medication because of his disease. I don't go to
20 our Bartlett Jewel-Osco much anymore because they
21 continue to put sales right as you walk in the
22 door of liquor. It's in the produce aisle. If I
23 go to buy healthy items, I'm faced with liquor;
24 and I know these are all very personal reasons,

1 but I don't think I'm the only one. I just
2 happen to be the only one speaking tonight.

3 We talk about demographics, and I would
4 have to agree that there is some reason to think
5 that there would be good sales here of liquor
6 because there is a good percentage of the people
7 that are there when I'm there that are over the
8 age of 21, but they've made the decision to come
9 to this location to purchase non-alcoholic
10 beverages. If they wanted to purchase alcoholic
11 beverages, there is places right across the
12 street where they could go, but they chose to
13 come to this establishment not to have that.

14 So these are kind of my common sense
15 reasonings for asking that this be denied. Thank
16 you.

17 CHAIRMAN LEMBERG: Thank you. Any others?

18 MR. PLONCZYNSKI: That's all I have.

19 CHAIRMAN LEMBERG: Would the petitioner like
20 to respond to any of those?

21 MR. POWELL: Just briefly. I think it's
22 briefly -- it's important to briefly just stress
23 as we discussed earlier, the petition that we're
24 here for today, this is a product of years spent

1 researching this issue. Starbucks is very, very
2 protective of its brand. The last thing that
3 they want is for anyone to equate this business
4 with that of a tavern, with that of a liquor
5 store. That's not what Starbucks is. It's not
6 what it ever has been and it's not what it ever
7 will be, so in that regard training is paramount.

8 Starbucks makes sure that every employee
9 that is charged with any type of responsibility
10 having anything to do with alcoholic liquor,
11 first of all, they have to be 21 years of age or
12 older, they have to go through extensive training
13 to make sure that only the people who are lawfully
14 entitled to purchase an alcoholic beverage
15 actually receive it. They are also trained
16 extensively to make sure that once a single drink
17 has been given to a single customer who has
18 produced a valid ID that that drink stays in the
19 hands of that person and that person only.

20 I believe it was about a year ago, maybe a
21 little bit longer, I was representing Starbucks
22 before the city of Evanston and some of the
23 issues that were expressed by the witness here
24 today were raised in the city council there; and

1 the -- a particular concern was the fact that the
2 Starbucks seeking a license in that instance was
3 located in very close proximity to Northwestern
4 University. It was, in fact, right across the
5 street from it's main campus, and it was a
6 location that was also used by persons that were
7 over the age of 21, people who were 18, 19, 20
8 years old.

9 And it was a concern obviously, could
10 Starbucks properly control its product, properly
11 control the service of this adult beverage while
12 maintaining a safe environment, a comfortable
13 environment, an inviting environment for every
14 one of its core demographics, its core customers?
15 And there was much discussion about this, should
16 the license be issued at all? If so, under what
17 circumstances? And it was actually a result of
18 those conversations that the concept evolved to a
19 certain extent rather than seeking to begin
20 evening hours at 2:00, they decided that it was
21 more appropriate in that circumstance to do so at
22 4:00 p.m., and that's one of the reasons why,
23 again, we're seeking a 4:00 p.m. start date here.
24 So their approach has always been a

1 conservative one. Let's walk before we run.
2 Let's make sure that if this concept is
3 introduced in any municipality, it's done so in a
4 responsible way; it's done so in a way that does
5 not tarnish the Starbucks brand; it's done so in
6 a way that it doesn't alienate the people that
7 Starbucks regards as its core constituency, if
8 you will, so I do want to stress that this
9 request that we're making here, again, it does,
10 yes, involve a request for a liquor license, but
11 it is not meant in any way, shape, or form to
12 create something that anybody in this room would
13 be suddenly unfamiliar with; and we do believe
14 very strongly that the environment that has been
15 created and exists there today can be maintained
16 and will be maintained so that persons who are
17 comfortable going there at 8:00 in the morning,
18 at 12:00 in the afternoon will be similarly
19 comfortable going there at 4:00, 5:00, 6:00 p.m.

20 The numbers that I'm privy to in terms of
21 overall sales, in terms of performance, in terms
22 of any type of negative impact that these
23 licenses have had all tell me very, very clearly
24 that it can be introduced in the village of

1 Bartlett very seamlessly, and we certainly do
2 appreciate the concerns raised by the witness
3 here today. That, again, is why we're here to
4 ask for guidance from this commission, from the
5 village itself, and we're more than happy to
6 operate under whatever guidelines and strictures
7 the commission believes are appropriate. Thank
8 you.

9 CHAIRMAN LEMBERG: Any further questions from
10 the commission?

11 All right. Close the public hearing.

12 Okay. Looks like we'll be looking for a
13 motion then for a special use permit to serve
14 beer and wine under the conditions and finding of
15 fact.

16 MR. KALLAS: So moved.

17 MR. MIASO: Second.

18 CHAIRMAN LEMBERG: Any further discussion?

19 Secretary call the roll.

20 MS. FUENTES: Jerry Kallas.

21 MR. KALLAS: Yes.

22 MS. FUENTES: John Miaso.

23 MR. MIASO: Yes.

24 MS. FUENTES: Mark Hopkins.

1 MR. M. HOPKINS: Yes.

2 MS. FUENTES: Tim Ridenour.

3 MR. RIDENOUR: Yes.

4 MS. FUENTES: Diane Negele.

5 MS. NEGELE: Yes.

6 MS. FUENTES: Shane Cook.

7 MR. COOK: Yes.

8 MS. FUENTES: Austin Hopkins.

9 MR. A. HOPKINS: Yes.

10 MS. FUENTES: Motion carried.

11 CHAIRMAN LEMBERG: Thank you. Good luck.

12 Next item on your agenda is 15-12,
13 1580 Hecht Court, Brewster Creek Business Park,
14 site plan review. This one is going to be Angela.

15 MS. ZUBKO: Yes. The petitioner is requesting
16 a site plan review for proposed 64,586-square-foot
17 industrial building on an 8.36-acre lot on lot 4F
18 in the Brewster Creek Business Park, which is
19 kitty-corner to the Ace Relocation Systems we
20 talked about earlier today.

21 The facility would be used as a storage,
22 production, and distribution facility for future
23 tenants; and this would be constructed as a core
24 and shell building and have tenant offices built

W

WEBSTER • POWELL

P

May 1, 2015

JAMES L. WEBSTER

VIA UPS

Kevin Wallace, Village President
Board of Trustees
Village of Bartlett
228 S Main Street
Bartlett, IL 60103

**RECEIVED
COMMUNITY DEVELOPMENT****MAY - 4 2015****VILLAGE OF
BARTLETT****Re: Coffee House Holdings, Inc. d/b/a Starbucks – 1681 South IL Rt 59**

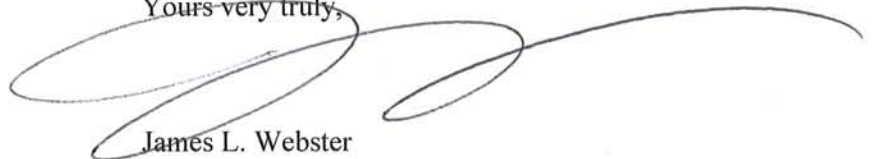
Dear Mr. Wallace and Village Trustees:

As you are aware, this firm represents Coffee House Holdings, Inc. (“Starbucks” or “Licensee”) with respect to its licensing and regulatory matters in Illinois and in particular with respect to Starbucks’ well received “Starbucks Evenings” business expansion at certain locations. The intention of this communication is to advise you that Starbucks’ seeks to submit a Special Use Permit application. The nature of Starbucks request is to allow for the on-premises consumption of beer and wine at the above referenced location.

The “Starbucks Evenings” concept and offerings at the Bartlett Starbucks would evolve this store through an exciting expansion of products to offer patrons. These new offerings are in response to Starbucks customer’s request to have more options for relaxing in the stores during the evenings. As they transition from work to home, customers are looking for a place to share a connection with friends, co-workers, significant others, and family. Starbucks is hoping to create a new occasion for customers to visit stores in the evening. A new product assortment that includes select wines, craft and imported beers, and premium foods will be the catalyst that brings customers into the store later in the day to share a connection with people close to them. The introduction of wine and beer has been well received at the licensed locations in the Chicago area, Seattle, WA, Portland, OR, Southern California, and the Atlanta, GA area.

Please find enclosed a fully executed Special Use Permit application along with all supplemental documentation requested by the Community Development Department. Upon your review of the enclosed, should you have questions regarding same, please do not hesitate to contact my Licensing Manager, Sara Smith at ssmith@lawwp.com.

Yours very truly,



James L. Webster

JLW/ss

Cc: Coffee House Holdings, Inc.

320 WEST OHIO
SUITE 501
CHICAGO, IL 60654
312.587.8800
FAX 312.587.8808
JWEBSTER@LAWWP.COM

WEBSTER POWELL, P.C.



VILLAGE OF BARTLETT SPECIAL USE PERMIT APPLICATION

For Office Use Only
Case # 15-11
RECEIVED
COMMUNITY DEVELOPMENT
(Village Stamp)
MAY - 4 2015
VILLAGE OF BARTLETT

PROJECT NAME: STARBUCKS COFFEE #2347
(Please type or complete in blue or black ink.)

PETITIONER INFORMATION

Name: COFFEE HOUSE HOLDINGS, INC. **Phone:** _____
Address: 2401 UTAH AVENUE SOUTH **Fax:** _____
SEATTLE, WA 98134 **Mobile:** _____
Email: _____

PROPERTY OWNER INFORMATION

Name: BARTLETT CENTER, INC. **Phone:** (847) 581-1967
Address: 8353 N NEWLAND **Fax:** _____
NILES, IL 60714 **Mobile:** _____
Email: _____

SPECIAL USE PERMIT REQUESTED (Please describe i.e. liquor sales, outdoor seating, etc.)
LIQUOR SALES

PROPERTY INFORMATION

Common Address/General Location of Property: 1681 SOUTH IL RT 59 BARTLETT, IL 60103

Property Index Number ("Tax PIN"/"Parcel ID"): 01-16-401-014

Zoning: B-3 PUD **Land Use:** PLANNED DEVELOPMENT/SHOPPING DISTRICT
(Refer to Official Zoning Map)

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

Acreage: 1.153 ACRES

APPLICANT'S EXPERTS (Including name, address, phone, fax and email; mobile phone is optional)

Attorney _____
WEBSTER POWELL, P.C. 320 W OHIO ST., STE 501 CHICAGO, IL 60654 (312) 587-8800

Surveyor _____

Other _____

FINDINGS OF FACT FOR SPECIAL USES

Both the Plan Commission and Village Board must decide if the requested Special Use meets the standards established by the Village of Bartlett Zoning Ordinance.

The Plan Commission shall make findings based upon evidence presented on the following standards: **(Please respond to each of these standards in writing below as it relates to your case. It is important that you write legibly or type your responses as this application will be included with the staff report for the Plan Commission and Village Board to review.)**

1. That the proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.

Customer demand has encouraged us to pursue adding the Evenings Menu at our Bartlett location.

The community will be presented with a high-end retail facility that is unique and gratifying. Not only are customers asking to see what the renovated store will look like, but they are also excited about the upgraded food and beverage pairings. The upgraded menu offerings will allow the community to gather in a single location and enjoy our products.

2. That such use will not under the circumstances of the particular case be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or be injurious to property value or improvement in the vicinity.

Adding additional menu options to the current list of offerings will simply improve the variety of choices for our customers. Safeguards will be implemented to ensure that any alcoholic beverages will be treated in accordance with the law. The incremental renovation investment into this store will help promote local jobs. With the increased design elements and increased spend on the renovation, this store will improve the aesthetic of the neighborhood.

3. That the special use shall conform to the regulations and conditions specified in this Title for such use and with the stipulation and conditions made a part of the authorization granted by the Village Board of Trustees.

We will most certainly conform to the regulations and conditions presented to us. We will go above and beyond to ensure that this store maintains the extremely high standards for which we hold ourselves to.

ACKNOWLEDGEMENT

The undersigned hereby acknowledges he/she is familiar with the code requirements which relate to this petition and certifies that this submittal is in conformance with such code(s). He/she further understands that any late, incomplete or non-conforming submittal will not be scheduled on an agenda for a public hearing.

SIGNED: Sophie Hager Hume
PRINT NAME: Sophie Hager Hume
DATED: 2/23/15

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, consulting planner's fees, public advertising expenses, court reporter fees and recording expenses. Please complete (print) the information requested below and provide a signature.

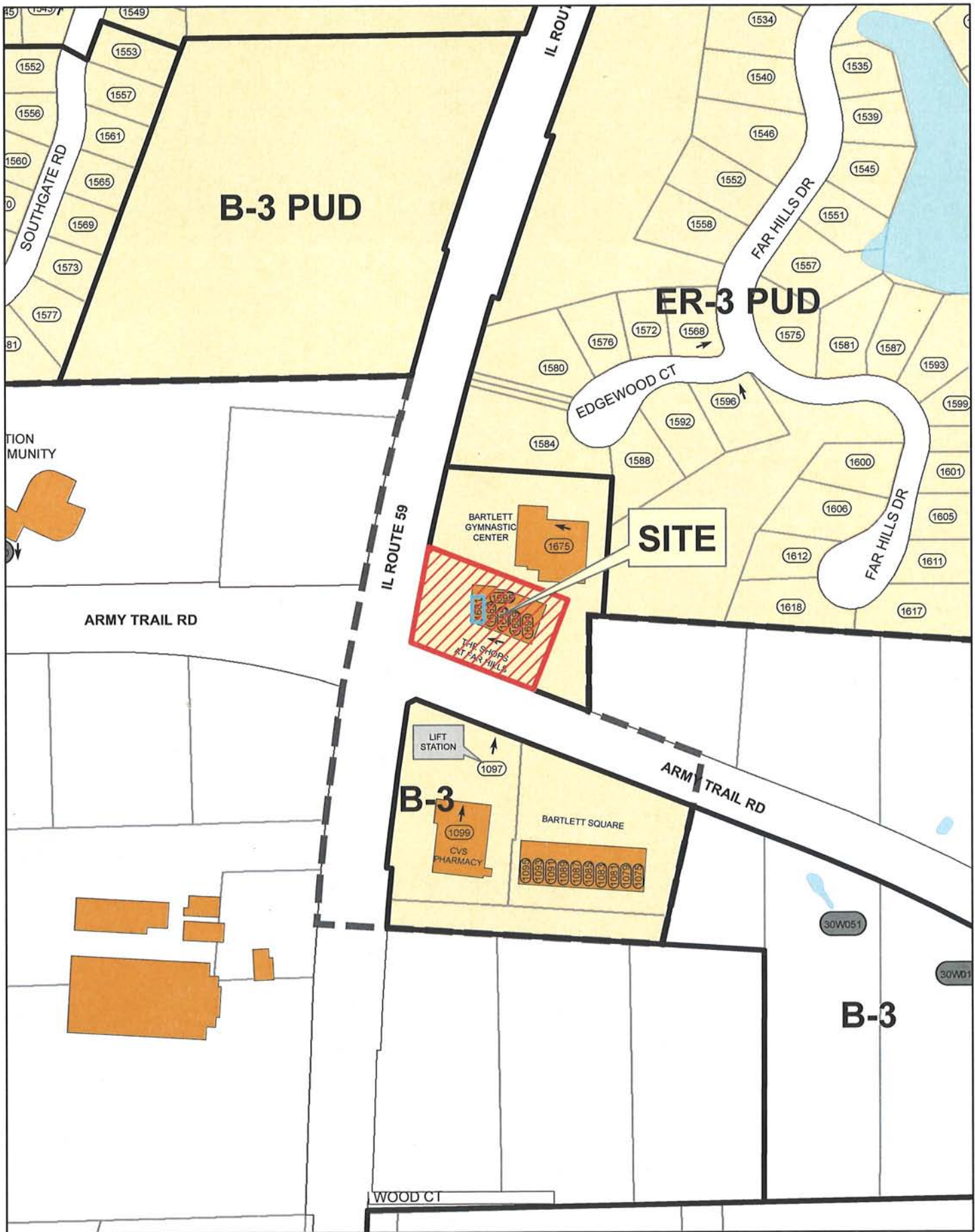
NAME OF PERSON TO BE BILLED: Starbucks License Services

ADDRESS: PO Box 34442-Tax2
Seattle, WA 98124

PHONE NUMBER: (206) 318-6511

SIGNED: Sophie Hager Hume
DATED: 2/23/15

LOCATION MAP





STARBUCKS COFFEE COMPANY
 2401 UTAH AVENUE SOUTH
 SEATTLE, WASHINGTON 98134
 (206) 318-1575

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ARCHITECT OF RECORD
ASOOCIATES
 Soos & Associates, Inc.
 105 Scheller Road
 Lincolnshire, IL 60069
 p 847 821 7667 f 847 821 8570

Revision Schedule			
Rev	Date	By	Description
1	03/02/15		STARBUCKS COMMENTS
2	03/18/15		BUILDING AND HEALTH DEPARTMENT COMMENTS

PROJECT NAME
BARTLETT
 PROJECT ADDRESS:
 1681 S. IL RTE. 59-SPACE #1
 BARTLETT, IL 60103

STORE #: 2347
 PROJECT #: 05051-045
 CONCEPT:
 PALETTE:
 ISSUE DATE: 3/18/2015
 DESIGN MANAGER: STEPHENIE RYCHLIK
 LEED® AP: N/A
 PRODUCTION DESIGNER: SOOS
 CHECKED BY:

SHEET TITLE:
SCOPE OF WORK

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

SHEET NUMBER:
G-0002

SCOPE OF WORK NOTES

1. DEMOLISH OR RELOCATE EXISTING ITEMS AS INDICATED ON DEMOLITION PLAN AND DEMOLITION CEILING PLAN, U O N
2. INSTALL NEW CASEWORK ITEMS AS INDICATED ON CASEWORK PLAN
3. INSTALL NEW PLUMBING OR RELOCATE EXISTING ITEMS AS INDICATED ON PLUMBING DESIGN PLANS
4. INSTALL NEW OR RELOCATE EQUIPMENT AS INDICATED ON FFAE PLAN
5. INSTALL NEW FURNITURE AS INDICATED ON FF&E PLAN
6. INSTALL NEW CONDIMENT CART AS INDICATED ON PLANS
7. INSTALL NEW UPPER CUBBIES, MENU BOARDS AND LED LIGHTING, AS INDICATED ON PLANS AND ELEVATIONS
8. INSTALL NEW BACKBAR WALL TILE, AS INDICATED ON INTERIOR ELEVATIONS AND WALL FINISH PLAN
9. DEMOLISH EXISTING ARTWORK AND INSTALL NEW ARTWORK AS INDICATED ON INTERIOR ELEVATIONS
10. PATCH, PRIME AND PAINT WALLS, CEILINGS AND SOFFITS AS INDICATED ON REFLECTED CEILING PLAN AND INTERIOR ELEVATIONS
11. DEMOLISH LIGHT FIXTURES AS INDICATED ON DEMOLITION PLAN
12. INSTALL NEW LIGHT FIXTURES AS INDICATED ON REFLECTED CEILING PLAN
13. DEMOLISH EXISTING FLOOR TILE AND INSTALL NEW TILE FLOOR AND BASE AS INDICATED ON PLANS
14. DEMOLISH EXISTING WAINSCOT/CHAIR RAIL AND INSTALL NEW WAINSCOT/CHAIR RAIL AS INDICATED ON CASEWORK PLAN, WALL FINISH PLAN AND INTERIOR ELEVATIONS
15. INSTALL NEW MERCHANDISE WALL UNITS AND WALL OF CHILL AS INDICATED ON CASEWORK PLAN
16. REPLACE WALK-OFF MATS
17. DEMOLISH CEILING TILES AS INDICATED ON DEMOLITION PLANS
18. INSTALL NEW WALLS AND CEILINGS TILES AS INDICATED ON FLOOR PLAN AND REFLECTED CEILING PLAN
19. INSTALL NEW ACCT CEILING AS INDICATED ON REFLECTED CEILING PLAN
20. INSTALL NEW DOOR IN WORKROOM AS INDICATED ON PLANS
21. LOGO DISK SIGNAGE RETROFIT
22. GC TO INSTALL OCCUPANT LOAD SIGN
23. FIRE EXTINGUISHER TO BE MOUNTED SECURELY AT 4'-0" ABOVE THE FINISHED FLOOR
24. PROVIDE NEW TEMPORARY, SEASONAL FENCING
25. EXISTING 3-WAVE BIKE RACK

ACCESSIBILITY NOTES

- A. LEVEL LANDING THRESHOLD
- B. BARRIER-FREE PATH OF TRAVEL
- C. 30"x48" CLEAR FOR WHEELCHAIR ACCESS
- D. 32" MINIMUM CLEAR AT RESTROOM DOOR
- E. 60" DIAMETER CLEAR FOR WHEELCHAIR ACCESS
- F. POS, HAND-OFF PLANE AND CONDIMENT COUNTERTOPS AT 2'-10" AFF FOR WHEELCHAIR ACCESSIBILITY

1 SCOPE OF WORK PLAN
 Scale: 1/4" = 1'-0"

S:\Studio\Clients\Starbucks\Projects\ILLINOIS\14 SB 087 Bartlett\Drawings\ACOMM\W_IL_2347_BARTLETT_20141228.rvt
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FENCE & OUTDOOR SEATING

SITE SCHEDULE - "Y"					
DESIGN ID	COUNT	DESCRIPTION	RESP.	BULB	COMMENTS
AWNING					
X0800	1	AWNING - STOREFRONT - GREEN CANVAS SIMILAR TO (10031)	VD-GC		
OTHER					
10020	1	DT WINDOW SHELF - 48IN 1205MM - SST	VD		
X0901	5	CUSTOM 5' REMOVABLE RAILING - POWDERCOAT BLACK	GC-GC		
X0902	1	CUSTOM 5'-3" REMOVABLE RAILING - POWDERCOAT BLACK			
X0903	2	CUSTOM REMOVABLE RAILING BASE - SINGLE - POWDERCOAT BLACK	GC-GC		
X0904	5	CUSTOM REMOVABLE RAILING BASE - DOUBLE - POWDERCOAT BLACK	GC-GC		
X0905	4	CAR STOP			

SIGNAGE SCHEDULE - "S"					
DESIGN ID	COUNT	DESCRIPTION	RESP.	BULB	COMMENTS
SIGNAGE - DRIVE THRU					
14099	2	SIGN - DRIVE THRU ILLUMINATED ARROW SERIES FLUSH MOUNTED - RH - 48IN 1220MM	VD		
14106	1	SIGN - DT CLEARANCE BAR ARROW SERIES FREESTANDING	VD		
14327	1	SIGN - DT DIRECTIONAL ILLUMINATED ARROW SERIES - 48IN 1170MM	VD		

ARCHITECTURAL SITE PLAN NOTES

A. REFER TO EXTERIOR ELEVATIONS FOR BUILDING SIGNAGE LOCATION AND DESIGN ID. REFER TO ELECTRICAL PLANS FOR ELECTRICAL REQUIREMENTS.

SHEET NOTES

- REMOVE EXISTING EXIT DIRECTIONAL SIGN AND REPLACE IT WITH NEW EXIT DIRECTIONAL SIGN
- MOUNT DIRECTIONAL SIGN ON EXISTING CONCRETE FOOTING
- DT CLEARANCE BAR TO BE MOUNTED ON A 12" DIA. FOOTING SEE DETAIL
- EXISTING BIKE RACK.
- CAR STOPS TO BE PROVIDED AS PER COMMUNITY DEVELOPMENT RECOMMENDATION
- NEW TEMPORARY, SEASONAL FENCING



STARBUCKS COFFEE COMPANY
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 SEATTLE, WASHINGTON 98134
 (206) 318-1575

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ARCHITECT OF RECORD
ASOOCIATES
 Soos & Associates, Inc.
 105 Scheller Road
 Lincolnshire, IL 60069
 p: 847 821 7667 f: 847 821 8570

Revision Schedule		
Rev	Date	By Description
1	03/02/15	STARBUCKS COMMENTS
2	03/18/15	BUILDING AND HEALTH DEPARTMENT COMMENTS

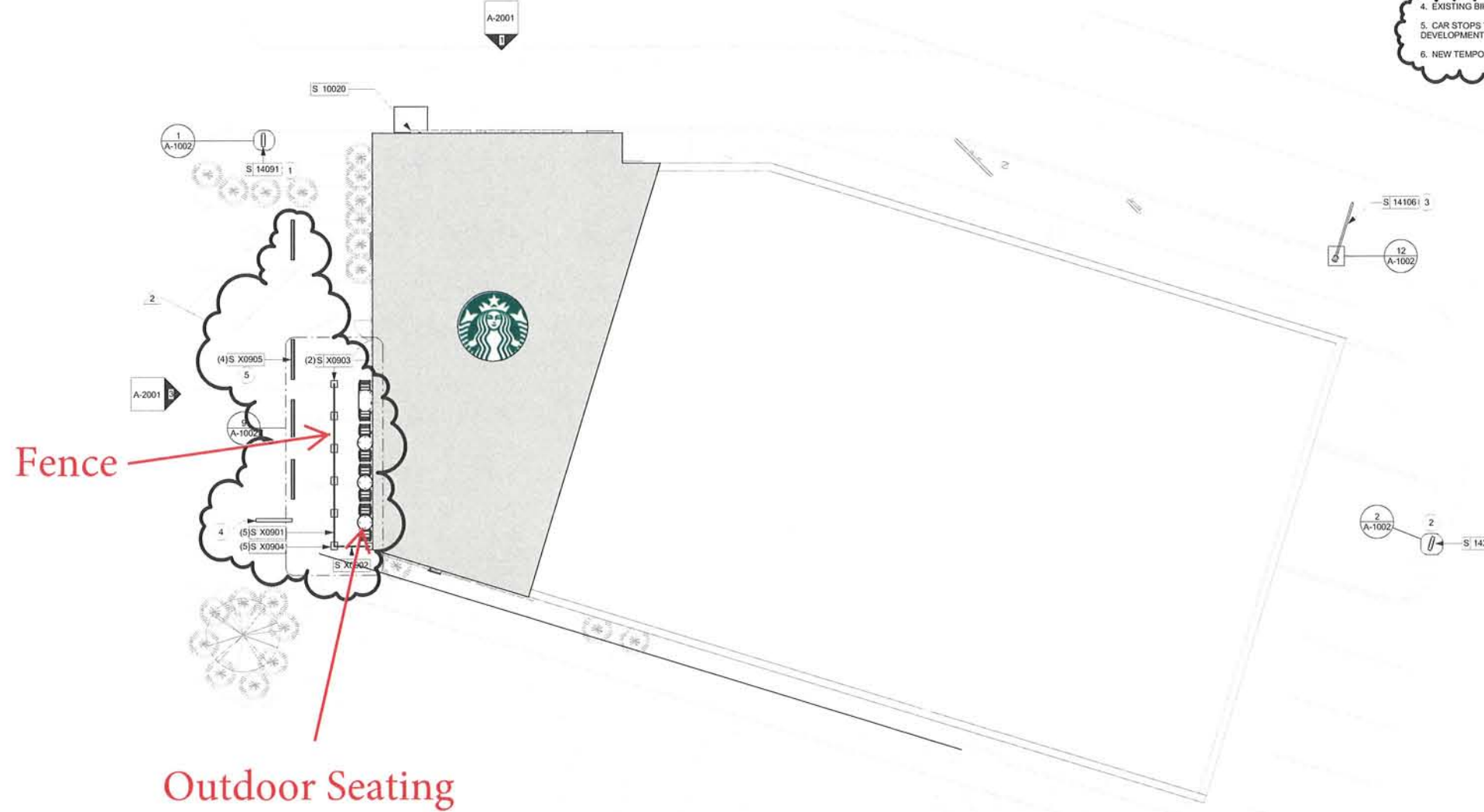
PROJECT NAME:
BARTLETT
 PROJECT ADDRESS:
 1681 S. IL RTE. 59-SPACE #1
 BARTLETT, IL 60103

STORE #: 2347
 PROJECT #: 05051-045
 CONCEPT:
 PALETTE:
 ISSUE DATE: 3.18.2015
 DESIGN MANAGER: STEPHENIE RYCHLIK
 LEED® AP: N/A
 PRODUCTION DESIGNER: SOOS
 CHECKED BY:

SHEET TITLE:
ARCHITECTURAL SITE PLAN

SCALE: As indicated

SHEET NUMBER:
A-1001



1 1ST FLOOR - SITE PLAN
 Scale: 1" = 10'-0"



FENCE DETAIL



STARBUCKS COFFEE COMPANY
2401 UTAH AVENUE SOUTH
SEATTLE, WASHINGTON 98134
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2	03/18/15	BUILDING AND HEALTH DEPARTMENT COMMENTS

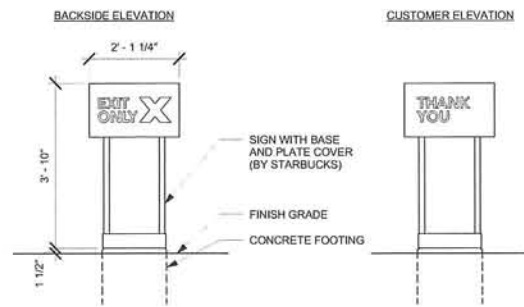
PROJECT NAME: **BARTLETT**
PROJECT ADDRESS: **1681 S. IL RTE. 59-SPACE #1 BARTLETT, IL 60103**

STORE #: 2347
PROJECT #: 05051-045
CONCEPT:
PALETTE:
ISSUE DATE: 3.18.2015
DESIGN MANAGER: STEPHENIE RYCHLIK
LEED® AP: N/A
PRODUCTION DESIGNER: SOOS
CHECKED BY:

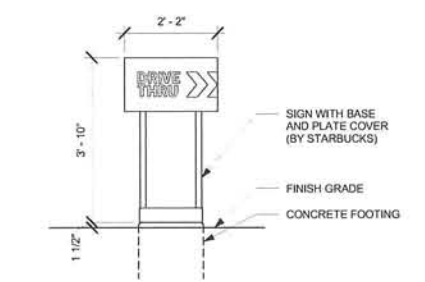
SHEET TITLE: **SITE DETAILS**

SCALE: As indicated

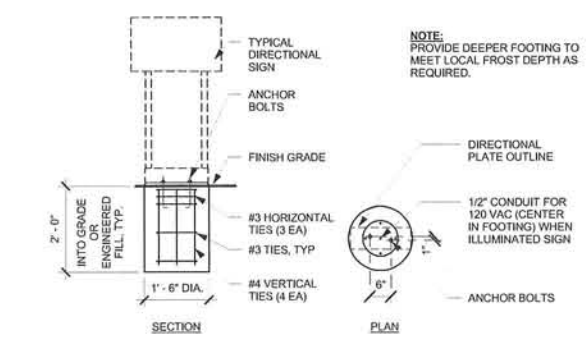
SHEET NUMBER: **A-1002**



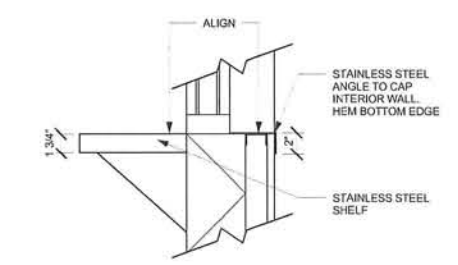
1 DTE - DIRECTIONAL SIGN
Scale: 1/2" = 1'-0"



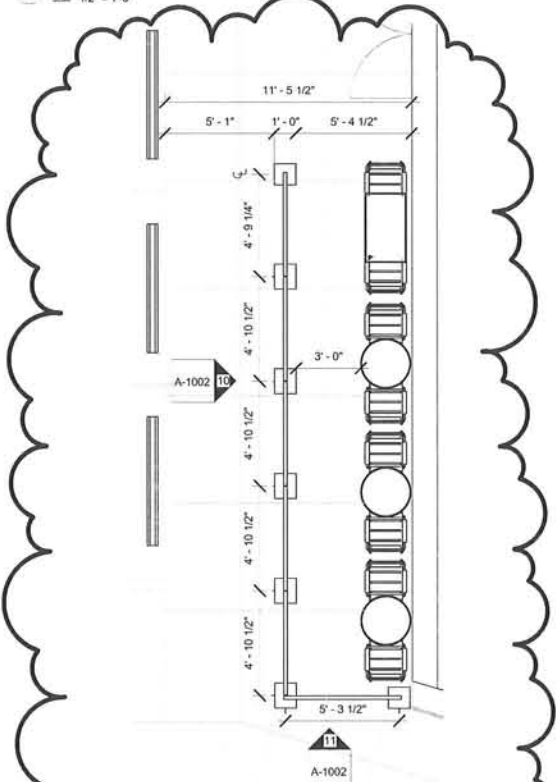
2 DTE - DIRECTIONAL SIGN - ENTRY
Scale: 1/2" = 1'-0"



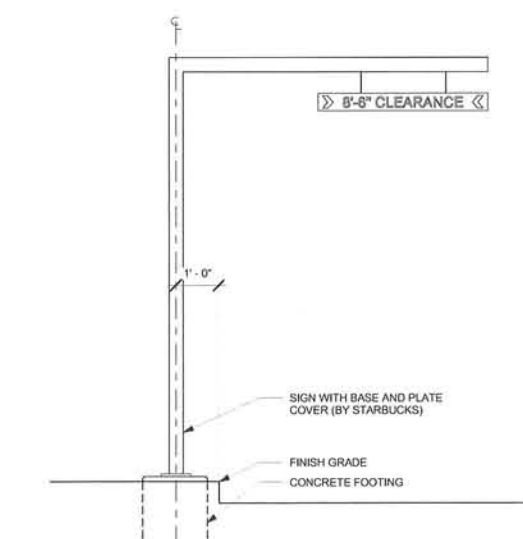
3 DIRECTIONAL SIGN FOOTING
Scale: 1/2" = 1'-0"



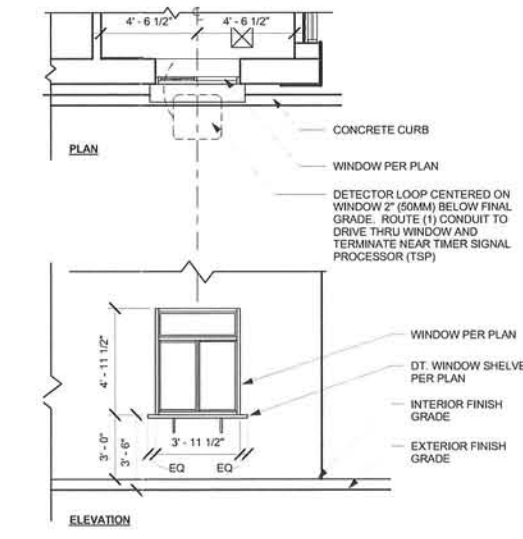
4 DRIVE THRU SHELF
Scale: 1 1/2" = 1'-0"



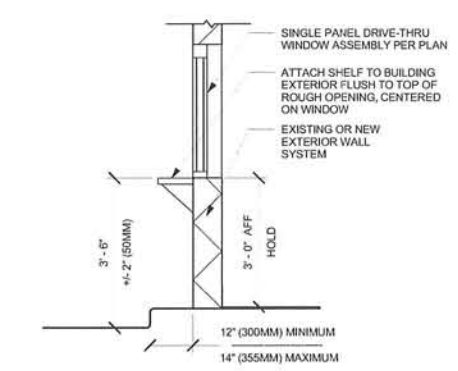
9 OUTDOOR SEATING
Scale: 1/4" = 1'-0"



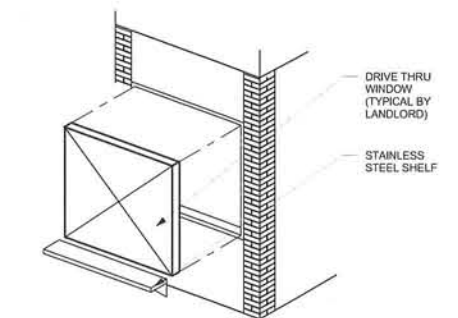
8 DTE - CLEARANCE BAR
Scale: 1/2" = 1'-0"



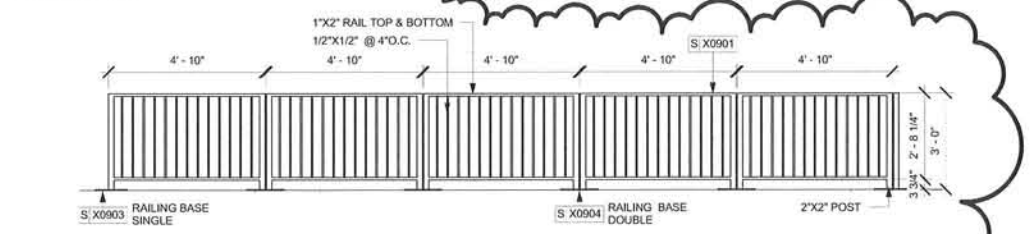
7 DTE - DRIVE THRU WINDOW
Scale: 1/4" = 1'-0"



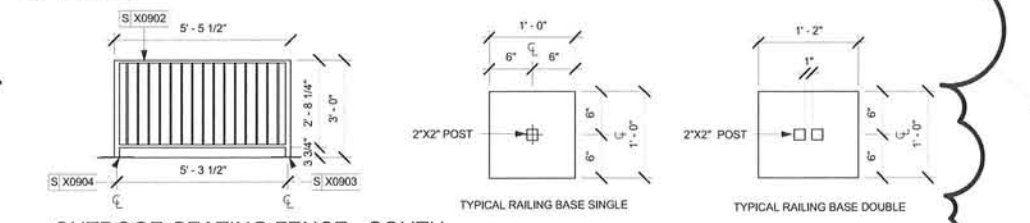
5 DRIVE THRU WINDOW
Scale: 1/2" = 1'-0"



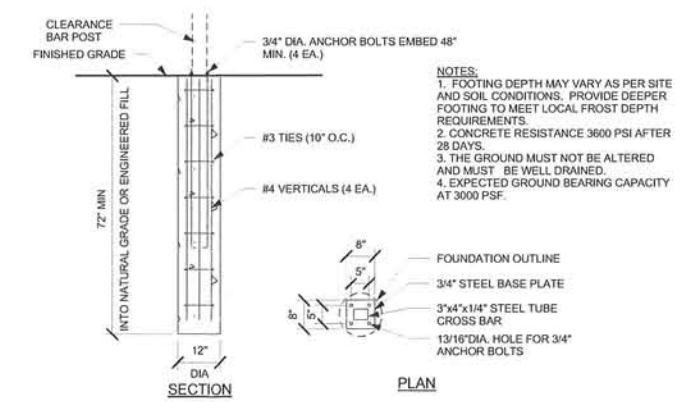
6 DRIVE THRU WINDOW
Scale: 1/2" = 1'-0"



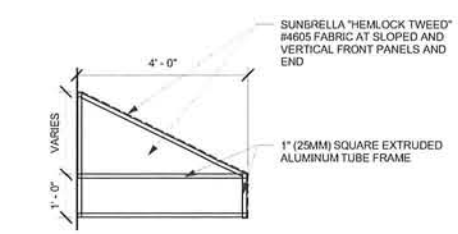
10 OUTDOOR SEATING FENCE - WEST
Scale: 3/8" = 1'-0"



11 OUTDOOR SEATING FENCE - SOUTH
Scale: 3/8" = 1'-0"



12 DT CLEARANCE BAR FOOTING
Scale: 1/2" = 1'-0"



13 AWNING
Scale: 1/2" = 1'-0"

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Agenda Item Executive Summary

Item Name Councils of Government Services Review Committee or Board Committee

BUDGET IMPACT

Amount: \$22,065-\$24,000 Budgeted yes
List what fund General

EXECUTIVE SUMMARY

On June 2, 2015, the Village Board reviewed the services provided by the DuPage Mayors and Managers Conference and the Northwest Municipal Conference. The Village Board also asked for more specific information about the requirements for participation in the DuPage River Salt Creek Workgroup and other programs provided by the conferences.
As of yet, we have not renewed our membership in either one of the conferences for the 2015-16 fiscal year.

ATTACHMENTS (PLEASE LIST)

ACTION REQUESTED

For Discussion Only _____
Resolution _____
Ordinance _____
Motion:

Staff: Paula Schumacher, Assistant Village Administrator Date: August 4, 2015

Memorandum

To: Valerie L. Salmons, Village Administrator
From: Paula Schumacher, Assistant Village Administrator
Date: 8/11/2015
Re: Councils of Government/Cullen and Associates

The Village Board began its review of the services provided by the DuPage Mayors and Managers Conference and the Northwest Municipal Conference at the Village Board Committee of the Whole meeting. At that meeting the Board asked if participation in the Salt Creek Workgroup was contingent upon being a member of DuPage Mayors and Managers. Staff asked that question of the work group and membership in DuPage Mayors and Managers is not a requirement.

The second question the board asked was relative to the Employee Assistance Program provided by Northwest Municipal Conference. It was determined that the DuPage Mayors and Managers conference does not provide a similar program, but there are private companies that provide these services. The current cost for this program \$2.08 per month/per employee.

Clarification was also made that the DuPage Mayors and Managers Conference provides grant money for roads in DuPage County, but Northwest Municipal Conference would be the conference we would approach for funding for improvements in the Cook County portion of Bartlett, Rt.59 and W. Bartlett Road for example.

In addition, the Village utilizes a variety of other services from the two conferences equally including joint purchasing programs, training, and jointly addressing regional issues.

As of yet, we have not renewed our membership in either one of the conferences for the 2015-16 fiscal year. The membership dues to DuPage Mayors and Managers is \$23,000 and the dues to the Northwest Municipal Conference is \$22,065.

The Village Board also asked for more specific information about the Village's utilization of Cullen and Associates.

The Village has used lobbyist Cullen and Associates over the years to lobby on behalf of the Village in Springfield.

Beyond legislation tracking and lobbying we have worked with Cullen and Associates to forward the Village's interests. Most recent examples include the impact of the decision to review all state grants, the Local Government Distributive Fund allocations, and the upcoming state budget process.

We have worked with Cullen and Associates on Federal stimulus funds, state grants for AEDS, MFT funding, EPA loans for the barium and radium removal plants, and legislator initiative funding. His staff assisted us in the application process for the FEMA storm water grant which is administered through the Illinois Department of Emergency Management. We also work with Cullen and Associates regarding the municipal impact of actions taken by the state.

Currently the Village pays \$24,000 annually to Cullen and Associates, we have paid this amount since 2009.

Conferences NWMC/ DuPage Mayors and Managers

DuPage Mayors and Managers \$23,000	Northwest Municipal Conference \$22,065	Both
Participate in Transportation Technical Committee (Makes recommendations for State and Federal funding. Allocates and oversees over \$6 million in STP funds annually)	Participate in regional Communication Professionals	Suburban Purchasing Cooperative (joint program with both organizations) equipment and services purchasing. telecommunications services, squad cars, and building vehicles.
Participation on Transportation Policy Committee	Surplus Auction, when we did not use Ebay	Legislation tracking and analysis (both) **
DuPage River Salt Creek Workgroup (phosphorous NPDES program) The Village participates in this subgroup, but membership in the conference is not required.	Employee Assistance Program	Lobbying efforts (both) **
In the last five years, the Village has received a LAPP grant in the amount of \$167,941.	Participate in regional Health Officers Work Group	Regional Agreements: like the Natural Gas Franchise and the Model Right of Way Ordinance
Participation in Public Works Work Group	Bike Rack Grants	Training for both elected officials and employees **
	Crack Sealing Bid	Road Improvement and Bike Path Grants

**The Village is also a member of the Illinois Municipal League (\$1,290/yr.) that provides legislative analysis, lobbying and training for elected officials and employees. We also participate in the IML Public Works Committee.



Agenda Item Executive Summary

Item Name New Business License Ordinance Committee or Board Committee

BUDGET IMPACT

Amount:	None	Budgeted	
List what fund			

EXECUTIVE SUMMARY

At the July 21 Committee of the Whole meeting, the need for changes to the Business License Ordinance were briefly discussed. Specifically changes to the appeal process when a license is suspended or revoked and an update to the regulations for inspections were made.

ATTACHMENTS (PLEASE LIST)

Business License Ordinance Draft

ACTION REQUESTED

For Discussion Only ___x__

Resolution _____

Ordinance _____

Motion:

Staff: Bryan Mraz, Village Attorney Date: August 12, 2015

BRYAN E. MRAZ
BEM@MRAZLAW.COM

DAVID W. GULLION
ASSOCIATE
DWG@MRAZLAW.COM

MEMORANDUM

TO: President and Board of Trustees of the Village of Bartlett
Valerie L. Salmons, Village Administrator

FROM: Bryan E. Mraz, Village Attorney

DATE: August 11, 2015

RE: New Business License Ordinance

The Village's Business License requirements need updating, and attached find an amended Chapter 1 which sets forth the new provisions.

During the discussion at the last Committee of the Whole meeting on new Massage Establishments and Asian bodywork approach regulations, I advised the Board that I was also redrafting the general license requirements. One of the primary changes is that if a license is to be suspended or revoked, the appeal of that decision would go to the Village President, as opposed to the Village President and whole Board, as that would be overly cumbersome. I have also updated the regulations for inspections.

It is my intention after the Board reviews the draft, to bring both the Business License ordinance, and the final Massage Establishments and Asian bodywork approach ordinance, to the Board for a final vote on September 1.

CHAPTER 1

LICENSES

- 3-1-1: PURPOSE, LICENSE REQUIRED; FEES:
- 3-1-2: DEFINITIONS AND RULES OF CONSTRUCTION:
- 3-1-3: APPLICATIONS:
- 3-1-4: INVESTIGATIONS:
- 3-1-5: APPROVAL; DISAPPROVAL:
- 3-1-6: APPEAL OF DENIAL:
- 3-1-7: LICENSE TERM; EXPIRATION; RENEWAL:
- 3-1-8: LICENSES NOT ASSIGNABLE; UNLAWFUL USE:
- 3-1-9: LICENSE TO BE POSTED:
- 3-1-10: BUILDING AND PREMISES:
- 3-1-11: LOCATION:
- 3-1-12: NUISANCES PROHIBITED:
- 3-1-13: INVESTIGATION AND INSPECTIONS:
- 3-1-14: ENFORCEMENT AUTHORITY:
- 3-1-15: SUSPENSION; REVOCATION OF LICENSE:
- 3-1-16: RESERVED:
- 3-1-17: PENALTY; ENFORCEMENT:

3-1-1: PURPOSE; LICENSE REQUIRED; FEES; SPECIAL REGULATIONS:

- A. Because each commercial establishment located in the village is a basic part of and affects the physical and economic well-being of the village necessitating services from the village in the form of building, health and police inspections and other services, and fire inspections by the Bartlett Fire Protection District, such commercial establishments shall in all respects be in full compliance with the provisions contained in this Title. This Title is designed to provide for the means whereby the Village may render the necessary inspections and services to commercial establishments and commercial activities in order to promote, protect, and safeguard the public health, safety, and welfare of the residents and consumers of the Village and to enable the effecting of an accurate record of commercial establishments located and carrying on commercial activities or commerce within the Village.
- B. No person shall conduct, engage in, or maintain, operate, carry on, or manage any commercial establishment or activity either by himself or itself, or through an agent, employee, or partner, without first having obtained a license for such activity or commercial establishment. Whenever in this title, or in any village ordinance, a license or permit is required for the maintenance, operation or conduct of any business or commercial establishment, or for doing business or engaging in any activity or occupation, any person, partnership, joint venture, firm, corporation, limited liability company, trust or other entity shall be subject to such requirement if by himself or itself, or through an employee, partner, joint venture, officer, manager,

trustee, or agent, he or it is held forth as being engaged in such business, activity or occupation, or if he or it solicits patronage therefor, actively or passively; or if he or it performs or attempts to perform any part of such business, activity or occupation in the Village.

- C. A license is required for the maintenance, operation, or conduct of any commercial establishment or activity, and any person, firm, or corporation shall be subject to the requirement, if, by himself or itself, or through an agent, employee, partner, officer, manager of, independent contractor acting on its or his behalf, he or it is held forth as being engaged in the activity or commercial establishment, or if he or it solicits patronage therefor, actively or passively, or if he or it performs or attempts to perform any part of such activity or commercial establishment in the Village.
- D. Whenever a person engages in more than one licensed business or activity in the Village, or uses any device requiring payment of a license fee, such person shall obtain such business or activity and for each such device.
- E. No person shall engage in or conduct the usual operations of any of the businesses, trades or occupations specified in column I of this section without first obtaining a license therefor and paying the annual license fee therefor specified in column II of this section. Each licensee shall comply with any special regulations for his business, trade or occupation specified in the section numbers listed in column III of this section.

I Business, Trade Or Occupation	II License Fee	III Special Regulations In This Title
Amplifiers	\$10 .00 per request	Chapter 22
Amusements:		
Amusement devices	\$200.00 per machine per year	Chapter 4
Public places of amusement:		
Athletic contests and exhibitions	\$20 .00 per day	Chapter 4
Automobile show	\$25.00 per day	
Balloon contest	\$10.00 per day	
Carnival, circus or sideshow	\$50.00 per day	Chapter 4

Concert, minstrel or musical entertainment given under canvas	\$5.00 per performance	Chapter 4
Horse or dog show	\$25.00 per day	
Jukeboxes	\$50.00 per machine per year	
Public dance	\$15.00 per dance	
Public skating rink	\$25.00 per year	
Rodeo	\$25.00 per day	
Stock or poultry show	\$25.00 per day	
Theater (motion picture or dramatic) and cabaret (for each seat contained in the theater)	\$25.00 per year plus \$5.00 per seat	Chapter 4
Answering service	\$50.00 for the first year	Chapter 24
	\$25.00 per year thereafter	
Asian bodywork approach practitioner	\$75.00 per year	Chapter 29B
Asphalt plants	\$200.00 per year	Chapter 13
Auctioneers	\$10.00 per day	Chapter 20
	\$25.00 per year	
Automobile service station	\$100.00 per year	Chapter 8
Bakeries and bakery vehicles:		
Itinerant vendor of bakery products Each delivery vehicle (see Wholesale food vendor)	\$50.00 per year	Chapter 25
Retail bakery (see Retail food establishment)	\$125.00 per year	Chapter 25
Wholesale bakery (see Wholesale food establishment)	\$100.00 per year	Chapter 25

Banking institutions	\$50.00 per year	
Barbershops	\$50.00 per year plus \$10.00 per year for each chair in excess of 1	Chapter 23
Billiard and pool halls	\$300.00 per year plus \$25.00 per table per year (if in conjunction with liquor license, \$25.00 per table per year)	Chapter 4
Bodywork approach establishment	\$200.00 per year	Chapter 29B
Bodywork approach Practitioner	\$50.00 per year	Chapter 29B
Bowling alleys	\$20.00 per alley per year	Chapter 4
Brokers (other than real estate and insurance)	\$50 .00 per year	
Bus service companies	\$100.00 per year plus \$50.00 per bus per year	Chapter 12
Catering services and establishment:		Chapter 25
Service location or establishment	\$100.00 per year	
Central station	\$50.00 for the first year \$25.00 per year thereafter	Chapter 24
Community antenna television system	5 percent of the annual gross revenues during the franchise term	
Confectionery stores	\$125.00 per year	Chapter 25
Contractors:		
General contractor	\$100.00 per year	
Subcontractors	\$50.00 per year	
Day nursery/nursery school	\$50.00 per year	
Dealer - precious metals:		Chapter 17

Itinerant dealer	\$50.00 per week	
Precious metal dealer	\$250.00 per year	
Delicatessens (see Retail food establishment)	\$140.00 per year	
Dogs	\$2.00 per year	Title 5, chapter 2
Dry cleaning establishment (self-service coin operated):		
For each dry cleaning machine up to and including the first 10 machines		
For each machine in excess of 10 maintained on the premises		
Dry cleaning plant:		Chapter 5
Not over 10 employees	\$50.00 per year	
11 - 15 employees	\$60.00 per year	
16 - 35 employees	\$70.00 per year	
36 - 60 employees	\$80.00 per year	
Each additional employee over 60	\$1.00	
Dry cleaning retail outlet	\$25.00 per year	Chapter 5
Factories:		Chapter 14
1 - 9 employees	\$100.00 per year	
10 - 25 employees	\$200.00 per year	
26 or more employees	\$300.00 per year	
Fish markets (see retail food establishment)	\$125.00 per year	Chapter 25
Florists	\$75.00 per year	
Food delivery vehicles and food	\$150.00 per year	Chapter 25

dispensers		
Food vending machines, coin operated:		Chapter 25
\$0.01 machine	\$2.00 per year	
\$0.05 machine	\$5.00 per year	
\$0.10 - \$1.00 machines	\$10.00 per year	
Fruit and vegetable stands (see Retail food establishment):		Chapter 25
Permanent	\$100.00 per year	
Seasonal	\$75.00 per year	
Game rooms:		
Class A	\$50.00 per year	Chapter 4
Class B	\$100.00 per year	Chapter 4
Class C	\$150.00 per year	Chapter 4
Class D	\$200.00 per year	Chapter 4
Garage, yard or rummage sale	No charge	Chapter 21
Garages (public):		Chapter 10
Enclosed within a building	\$50.00 per year	
Not enclosed within a building (see Parking lot)	\$50.00 per year	Chapter 10
Gasoline service stations	See Automobile service station	Chapter 8
Gravel pits	\$200.00 per year	Chapter 16
Grocery stores (see Retail food establishment)	\$175.00 per year	Chapter 25
Hardware stores and implement dealers	\$75.00 per year	
Hotels and motels:		
Per room for each sleeping room used for guests	\$150.00 per year plus \$5.00 per unit	Chapter 6

Ice cream stores or parlors (retail) (see Retail food establishment)	\$125.00 per year	Chapter 25
Ice cream vendors	\$150.00 for the first year \$100.00 per year thereafter	Chapter 30
Itinerant merchants and transient vendors	See Solicitors	Chapter 18
Junk peddlers	See Solicitors	Chapter 18
Laundry (self-service coin operated):		Chapter 5
Not exceeding 10 washing machines	\$50.00 per year	
Each additional unit	\$5.00 per year	
Liquefied petroleum gas:		
Equipment installation	\$15.00 per permit	Section 8-5-7
Plant	\$50.00 per year	Subsection 8-5-3A
Storage facility	\$50.00 per year	Subsection 8-5-3B
Liquor sales:		Chapter 3
Class A	\$1,250.00 per year	
Class A extended	\$1,600.00 per year	
Class B	\$900.00 per year	
Class C	\$950.00 per year	
Class C extended	\$850.00 per year	
Class D	\$5.00 per year	
Class F	\$1,000.00 per year	
Class G	\$950.00 per year	
Class H	\$850.00 per year	
Class I	\$1,250.00 per year	

Class J	\$100.00 per year	
Class K	\$200.00 per year	
Class L	\$900.00 per year	
Class M	\$200.00 per year plus \$25.00 per amendment to add catered event(s) not included in the initial application	
Class N	\$2,000.00 per year	
Class O	\$100.00 per year plus \$25.00 per additional special use permit per catered event not included in the initial application	
Lumberyards and lumber storehouses	\$50.00 per year	
Machine shops:		Chapter 14
1 - 10 employees	\$150.00 per year	
More than 10 employees	\$300.00 per year	
Massage establishment	\$100.00 per year	Chapter 29A
Meat dealers and meat markets (see Retail food establishment)	\$125.00 per year	Chapter 25
Milk products and milk:		Chapter 25
Dealer (see Retail food establishment)	\$100 .00 per year	
For each vehicle used in delivery or sale (see Peddlers or Wholesale food vendor)	\$50.00 per vehicle	
Processing or bottling plant	\$200.00 per year	
Mining operations	\$200.00 per year	Chapter 16
Mobile home park	\$50.00 per year	Chapter 27
Modified central station	\$50.00 for the first year \$25 .00 per year thereafter	Chapter 24

Motor vehicle repair establishments:		
1 employee	\$20.00 per year	
2 employees	\$25.00 per year	
3 employees	\$30.00 per year	
4 employees	\$35.00 per year	
5 employees	\$45.00 per year	
6 or more employees	\$60.00 per year	
Parking lot	\$50.00 per year	Chapter 9
Pawnbroker	\$50.00 per year	
Peddlers	See Solicitors	Chapter 18
Public garages	See Garages (public)	Chapter 10
Quarry, gravel pits, mining operations	\$200 .00 per year	Chapter 16
Radio and TV sales and service	\$50.00 per year	
Raffles	\$5.00 per year	Chapter 19
Redi mix plants	\$200.00 per year	Chapter 15
Restaurant:		
Itinerant food establishment	\$25.00 per application	
Service accommodation for 100 or fewer seating capacity	\$150.00 per year	
Service accommodation for 100 or more seating capacity	\$200.00 per year	
Retail food establishment:		
Delicatessen	\$140.00 per year	Chapter 25
Food sales, retail	\$150.00 per year	Chapter 25
Grocery	\$175.00 per year	Chapter 25
Ice cream store (including all	\$125.00 per year	Chapter 25

ice cream products)		
Scavengers	\$250.00 per year per vehicle	Chapter 26
Secondhand dealers (antique, etc.)	\$50.00 per year	Chapter 17
Solicitors:		Chapter 18
Commercial	\$7.50 per day per person \$37.50 per week per person \$75.00 per month per person \$150.00 per year per person	
Registration:		
Charitable	\$10.00 per person	
Commercial	\$10.00 per person	
Newspaper	\$10.00 per person	
Stables	\$300.00 per year	Chapter 7
Taxicabs	\$50.00 per year plus \$25.00 per operator per year	Chapter 11
Tobacco dealers:		
Cigarettes, vending machines	\$25.00 per machine per year	
Retail - over the counter	\$50 .00 per year	
Wholesale tobacco dealers	\$250.00 per year plus \$25.00 for each vehicle used in Bartlett	
Trailer coach park	\$50 .00 per year	Chapter 27
Vending machines:		
Beverage	\$10.00 per machine per year	
Food - candy, nut, gum	\$10.00 per machine per year	Chapter 25
Video gaming terminal	\$25.00 per terminal per year	Chapter 31
Wholesale food establishment:		
Baker	\$100.00 per year	
Food vendor (each vehicle)	\$50.00 per year	

All other special commercial establishments not specified:		<u>Chapter 28</u>
0 - 1,000 square feet	\$50.00 per year	
1,001 - 5,000 square feet	\$100.00 per year	
5,001 - 10,000 square feet	\$150.00 per year	
10,001 - 20,000 square feet	\$200.00 per year	
20,001 - 30,000 square feet	\$300.00 per year	
30,001 square feet and over	\$400.00 per year	

(1984 Code; amd. Ord. 85-27, 3-19-1985; Ord. 85-41, 4-23-1985; Ord. 86-19, 3-18-1986; Ord. 89-21, 3-21-1989; Ord. 90-85, 9-4-1990; Ord. 90-86, 9-4-1990; Ord. 95-47, 5-16-1995; Ord. 95-127, 12-19-1995; Ord. 2001-07, 1-16-2001; Ord. 2005-51, 5-17-2005; Ord. 2005-73, 7-5-2005; Ord. 2006-105, 10-3-2006; Ord. 2008-11, 2-5-2008; Ord. 2008-49, 6-3-2008; Ord. 2008-88, 9-2-2008; Ord. 2009-103, 11-3-2009; Ord. 2012-50, 7-3-2012; Ord. 2012-52, 7-17-2012; Ord. 2013-40, 5-21-2013; Ord. 2013-79, 10-1-2013; Ord. 2014-19, 4-1-2014; Ord. 2015-____, 9-____-15)

3-1-2: DEFINITIONS AND RULES OF CONSTRUCTION:

The following words and terms shall have the meanings set forth, except where otherwise specifically indicated. Words and terms not defined shall have the meanings indicated by common dictionary definition.

ALARM BUSINESS: See chapter 24 of this title.

ALARM USER: See chapter 24 of this title.

AMPLIFIER: Any device which amplifies or magnifies sound.

AMUSEMENT DEVICE, GAME ROOM: See chapter 4 of this title.

ASIAN BODYWORK APPROACH: See Chapter 29B of this Title.

ASPHALT PLANT: A plant or facility which produces or makes or processes asphalt or bituminous concrete.

AUCTION/AUCTIONEER: One who engages in the public sale of property to the highest bidder.

AUTOMOBILE SERVICE STATION: Any place of business where gasoline, or any

highly volatile fuel for motor vehicles or internal combustion engines is sold or offered for sale at retail, and dispensed into fuel tanks of such motor vehicles, or any place of business where motor vehicles are repaired. This definition shall include also the private storage and dispensing of such products for the same purpose as that served by a service station, whether the storage is maintained for the use or benefit of the owner, lessee, agents or employees of either, or any others (nonbusiness stations).

BARBERSHOP: Any building, room, place or establishment wherein is carried on the occupation of shaving or trimming beards or cutting and dressing the hair of patrons for money or other consideration.

BUS: Every motor vehicle, other than a commuter van, designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

BUS SERVICE: The business or occupation of providing buses for compensation.

CATERING SERVICE: The service of providing food or beverages for private residents and business establishments. See also chapter 3 of this title when alcoholic beverages are proposed to be served.

COMMERCIAL ESTABLISHMENTS includes the following activities of commerce or commercial activity located in the Village.

1. **FOOD ESTABLISHMENT** is a building or premises or a portion thereof the principal use of which is for the sale or dispensing or distribution or serving or storage of food, foodstuff, or drink for consumption on or off the premises or in or out of the building.
2. **RETAIL SALES ESTABLISHMENT** is a building or premises or portion thereof the principal use of which is for the retail sale or distribution of merchandise, goods or chattel not included with or related to the sale of material goods or chattel or the provision of services of food establishments or service establishments.
3. **SERVICE ESTABLISHMENT** is a building or premises or a portion thereof the principal use of which is for the rendering of personal or material services to consumers for profit, including but not limited to the wholesale distribution, or storage of material goods or chattel, the sale or servicing or storage of motor equipment, the washing or cleaning or dyeing or repair of fabrics of wearing apparel or footwear on the premises, the storage or assembly or distribution or servicing or repair of building materials or electrical equipment or mechanical equipment, the storage or distribution of fuels or petroleum products, the services of printing or blueprinting or photocopying or multilithing or publishing or duplicating or similar reproduction services, the provision of facilities for a hotel or motor hotel or apartment hotel or similar structure housing facilities for

the transient or permanent guests or persons the provision of facilities for instruction or training or participation in or presentation of the fine arts or athletic skills or dexterity of physical skills or dexterity.

The term "commercial establishment" shall not include:

1. A "home occupation" as defined in chapter 2 of title 10 of this Code;
2. A governmental unit;
3. A public utility or cable television company which is subject to regulation by the Federal Communications Commission or the state commerce commission and which operates in the village pursuant to a franchise agreement with the village.
4. A massage establishment which shall be governed by chapter 29A, except for the fees therefor repeated in Section 3-1-1 of this chapter.
5. A bodywork approach establishment, bodywork approach practitioner and Asian bodywork approach practitioner which are governed by chapter 29B, except for the respective fees therefor which are repeated in Section 3-1-1 of this chapter.

DRY CLEANING ESTABLISHMENT: A place where there is kept or used more than two (2) quarts of naphtha, benzine, carbon tetrachloride, or any other volatile inflammable liquids or other solvents customarily used in the dry cleaning industry.

FACTORY: A building or group of buildings, usually with equipment, used for the manufacture of goods. (1984 Code)

FLOOR AREA: The sum total of the gross horizontal areas of the several floors of a building and its accessory buildings in square feet from the exterior walls or from the centerline of party walls separating two (2) buildings or business establishments on each of the respective floors and includes the basement floor, cellar floor, elevator shafts and stairwells at each floor, floor space used for mechanical equipment, whether open or enclosed. In computing such floor area, there shall not be included open area devoted to vehicular parking or loading or storage of materials. (Ord. 86-19, 3-18-1986)

FOOD ESTABLISHMENTS: Any place where food, food products, drinks or beverages are manufactured, processed, packaged, stored or sold for consumption, on or off the premises. The term shall include, without limitation, bakeries, delicatessens, groceries, meat, fish or poultry markets, confectioneries, fruit and vegetable shops, food or drink processing plants, package food or drink stores or warehouses and other similar food establishments.

FLORIST: Any person engaged in the business of selling flowers, shrubs or ornamental plants at retail.

GAME ROOM: See chapter 4 of this title.

GARBAGE: Refuse, animal or vegetable matter, trash, rubbish or junk.

GRAVEL PITS: A place where gravel, sand, clay, dirt or other materials is mined, excavated or otherwise removed from the earth.

ITINERANT FOOD ESTABLISHMENT: One operating for a temporary period in connection with a fair, carnival, circus, public exhibition or other similar gathering.

ITINERANT JUNK DEALER: Any person who goes to any premises in the Village, with or without a prior appointment or prearrangement with the occupant of such premises, or goes upon any public street, sidewalk or other property owned by the Village, to sell, offer for sale, or to buy, purchase, barter or exchange, or to take orders for the present or future delivery of junk.

JUNK: Old iron, glass, paper, discarded materials or appliances which may be used again in some form; waste; refuse.

LOTTERY: See chapter 19 of this title.

LUMBER YARD: A place where lumber or millwork is stored or sold.

MINING OPERATIONS: The removal from the earth of gravel, sand, clay, dirt, ore, metal, coal or precious stones.

MASSAGE ESTABLISHMENT: See chapter 29A of this title.

MASSAGE THERAPIST: See chapter 29B of this title.

MOBILE FOOD ESTABLISHMENT: Any mobile vehicle from which food, drink or other substances for human consumption are sold, offered for sale, manufactured, stored, dispensed or otherwise handled.

MOBILE HOME PARK: See Chapter 27 of this title.

MOTEL or AUTO COURT: Any parking lot or garage for the accommodation of motor vehicles where transient sleeping accommodations of five (5) or more units are afforded or provided on the same premises for the public or for the occupants of such automobiles.

PARKING LOT: Any place maintained for the outdoor parking of cars, except streets, alleys or other public places, where such parking is permitted upon the payment of compensation or is made available to patrons or customers of any place of business.

QUARRY: An open excavation, usually for obtaining gravel, building stone, slate or limestone.

RAFFLES: See Chapter 19 of this title.

REDI-MIX PLANT: A place where cement is mixed with water and other materials to produce concrete.

RESTAURANT: A food establishment where any kind of food or drink is prepared and served to the public for consumption on the premises. The term shall include restaurants, ice cream parlors, lunchrooms, tea rooms, lunch stands, box lunch deliveries, cafeterias and retail drug stores serving counter lunches and drinks, caterers and industrial food servers dispensing food or drinks to office personnel or employees of an industrial plant.

RESTAURANT, ITINERANT: A restaurant operating for a temporary period in connection with a fair, carnival, circus, public exhibition or other similar gathering. (1984 Code)

RETAIL SALES ESTABLISHMENT: A building or premises or portion thereof the principal use of which is for retail sale or distribution of material goods or chattel. (Ord. 86-19, 3-18-86)

SCAVENGER: One who is engaged in the business or occupation of collecting garbage.

SECONDHAND STORE: A store or place of business which sells used or previously owned merchandise including, without limitation, antiques. (1984 Code)

SERVICE ESTABLISHMENT: A building or premises or portion thereof the principal use of which is for the rendering of personal or material services for profit. (Ord. 86-19, 3-18-86)

STABLE: A business where horses, ponies, donkeys, mules or other animals ordinarily used for riding are kept, boarded or otherwise maintained for public hire, or for any remuneration.

TAXICABS: Any vehicle used to carry passengers for hire but not operating a fixed route and shall include livery cabs.

TRAILER COACH PARK: See chapter 27 of this title.

The term "person" as used in this Chapter shall include sole proprietorships, partnerships, joint ventures, corporations, limited liability companies, trusts, and all other business associations, firms or entities.

The masculine pronoun shall be construed to include the feminine and the neuter, and the singular pronoun shall be construed to include the plural.

3-1-3: APPLICATIONS:

- A. Applications for all licenses required by this chapter shall be made to the village clerk or her designees in writing on a form prepared by the village.

- B. If the applicant is an individual (sole proprietorship), the application shall contain his name, date of birth, driver's license number and state of issuance, residential address, residential telephone number, business address, business phone number, and website address (if any). If the applicant is a partnership, joint venturer, or other non-corporate business entity, the application shall contain the name, date of birth, driver's license number and state of issuance, residential address and residential telephone number of each partner, joint venturer, principal, or member. If the applicant is a corporation, the application shall contain the name, date of birth, and residential address of each principal officer and the registered agent thereof. If the applicant is a limited liability company, the application shall contain the name, date of birth and residential address of each manager.

- C. Each application shall be under oath and also shall contain:
 - 1. Applicant's name, including any business or assumed name used or proposed to be used by applicant.
 - 2. A brief description of the nature of applicant's business and the goods to be sold or services to be rendered by applicant.
 - 3. A designation of the type or kind of license desired.
 - 4. The location or proposed location of the commercial establishment or activity to be conducted and the phone number and website address (if any) of the commercial establishment.
 - 5. The period of time for which the license is requested.
 - 6. The date, or approximate date, of the latest previous application for license under this Code, if any.
 - 7. The names of all other cities and villages in which the applicant has been licensed or has been denied a license within the past three (3) years.
 - 8. Applicant's business addresses for the previous three (3) years and the number of the certificate of registration for the commercial establishment required under the Retailers' Occupation Tax Act (35 ILCS 120/1, *et seq.*), Service Occupation Tax Act (35 ILCS 115/1, *et seq.*), and/or Use Tax Act (35 ILCS 105/1, *et seq.*), if applicable.
 - 9. The applicable fee to be paid.

10. Such additional information as may be needed for the proper guidance of village officials in the evaluation of such application, including but not limited to:
- a. Proof of any insurance policy or bond if required.
 - b. Identity of management employees and their position with the applicant.
 - c. Applicants' businesses in other communities.
 - d. Whether the applicant has ever had a previous license denied, revoked, or suspended.
 - e. Whether the applicant has ever voluntarily withdrawn a license or application for a license during or pending an investigation for the suspension or revocation of that license.
 - f. Whether the applicant: (1) has ever been convicted of a felony; 2) has ever been convicted of a misdemeanor involving injury to a person or property within the past ten (10) years; or 3) has been convicted of a misdemeanor involving theft or deception an essential element of which is dishonesty, within the past five (5) years, under the laws of the State, or any other state, or the laws of the United States, and if so, a detailed description of such felony or misdemeanor.
 - g. Whether the applicant has ever been found guilty of a violation of any of the provisions of the Bartlett Municipal Code or the substantially identical provisions of the ordinance of any other municipality and if so, a detailed description of such violation.
 - h. Whether any complaint against the applicant, or any entity represented by him, to the Consumer Fraud Division of the Attorney General's office has resulted in a finding that the consumer fraud laws of the State have been violated.
 - i. If the applicant is a corporation, the information requested in the foregoing subsections 10.f. through 10.h., all inclusive, must be furnished for each officer and director, and for each shareholder who owns or controls, directly or indirectly through any other person or entity, twenty five percent (25%) or more of the outstanding stock of such corporation.
 - j. If the applicant is a limited liability company, the information requested in the foregoing subsections 10.f. through 10.h., all inclusive, must be furnished for each manager and for each member who owns or controls, directly or indirectly, through any other person or entity, twenty-five per cent (25%) or more membership interest in the limited liability company.
 - k. If the applicant is a limited partnership, the information requested in the foregoing subsections 10.f. through 10.h., all inclusive, must be furnished for each general partner, and names and addresses for all limited partners shall be listed, indicating which partners are general which are limited.
 - l. If the applicant is a joint venture, the information requested in the foregoing subsections 10.f. through 10.h., all inclusive, must be furnished for each joint venturer.
 - m. If the applicant is a partnership or joint venture and any partner is a corporation or limited liability company, the information requested in the foregoing subsections 10.i. or 10.j. shall be submitted for each such entity.

- n. If the applicant is a corporation or limited liability company, proof of corporate good standing from the applicable Secretary of State.
- o. If the applicant is employed by, or represents another person or entity, credentials evidencing such employment, agency or authorization to represent such person or entity shall be submitted with the application.
- p. If the premises of the commercial establishment are owned by the applicant, the applicant shall furnish a copy of the deed to the property where the commercial establishment is or will be located. If the premises of the commercial establishment are not owned by the applicant, the applicant shall furnish a copy of the commercial lease or license agreement signed by the owner of the property or the landlord's agent and by the person or commercial establishment applying for the business license (with rental amount and any proprietary information redacted).

3-1-4: INVESTIGATION:

- A. Where this chapter requires or when it is deemed reasonably necessary or appropriate, an investigation or inspection by any department or official of the village before the issuance of a license, and requires the approval of such department or official regarding the property location or condition of the premises in which the commercial establishment or activity for which a license is applied is to be managed, conducted, operated, or carried on, or regarding the condition and nature of the equipment and methods intended to be used by the applicant in such activity or commercial establishment, the village clerk shall transmit to the appropriate official or department such information necessary for the required investigation or inspection.
- B. If it shall appear to the village clerk that the matters and circumstances relating to an application require further information before a proper determination can be made, such application shall be returned to the applicant for the inclusion of such additional information as may be specified by the village clerk.
- C. The designated official or department in a reasonable time after receiving a copy of the application:
 - 1. Shall make all necessary investigations and inspections, and the results thereof shall be reported in writing to the village clerk; and
 - 2. Shall indicate on the application a recommendation for the approval or disapproval thereof.

3-1-5: APPROVAL; DISAPPROVAL:

- A. If, after due consideration of the information contained within the application and related investigative and inspections reports, the village clerk determines that the applicant meets the standards set forth, the village clerk shall approve the application. The village clerk shall notify the applicant that the application has been approved and shall issue a license. All licenses shall be subject to the provisions of

this Code which may be in force at the time of the issuance thereof or which may subsequently be passed by the village board of trustees.

- B. If, after due consideration of the information contained within the application and related investigative and inspection reports, the village clerk determines that matters concerning the application are unsatisfactory, the village clerk shall disapprove the application, indicating the reasons therefor. Thereupon, the village clerk shall notify the applicant that the application has not been approved and that no license will be issued and the license fee paid shall be refunded.

3-1-6: APPEAL OF DENIAL:

- A. Any person aggrieved by the decision of the village clerk in regard to the denial of an application for a business license, as provided in this chapter, shall have the right to appeal to the village president. Such appeal shall be taken by filing with the village clerk within five days after notice of a denial of an application, a written statement under oath setting forth specifically the grounds for appeal. The village president shall thereupon set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant or licensee or permittee in the same manner as provided in section 3-1-15:D. The decision of the village president on such appeal shall be final.
- B. The acceptance of the license, upon reversal by the village president, shall constitute a waiver of all claims against the village, the village clerk, or any other officer or employee, arising out of the original refusal to issue the license. The burden shall be upon the applicant to show wherein the village clerk has failed to meet the standards set forth in this section.

3-1-7: LICENSE TERM; EXPIRATION; RENEWAL:

- A. All annual licenses shall commence on May 1 each year. No license shall be granted for a period longer than one year. Except where otherwise provided herein, every license shall expire on April 30 following the date of issuance. Applications received for new licenses between March 1 and April 30 of each year shall be issued licenses for the ensuing year.
- B. The village clerk shall endeavor to notify each annual licensee of the expiration of time of the license held by the licensee at least 21 days prior to such expiration date; provided, that a failure to make such notification or the licensee's failure to receive it, shall not relieve the licensee from the obligation to obtain a new license or renewal.
- C. Except as otherwise provided herein, each license may be renewed upon proper application and payment of the required fee. The requirements and procedures for granting and issuing a license renewal shall be the same as the requirements and procedures for granting a new license.

3-1-8: LICENSES NOT ASSIGNABLE; UNLAWFUL USE:

- A. No license may be assigned, sold, loaned, transferred, used as collateral, or otherwise encumbered. No person, firm, or corporation shall use or display any license certificate, tag, badge, or sticker which has been improperly acquired.
- B. No person, firm, or corporation shall alter, deface, forge, or counterfeit any license, certificate, plate, tag, badge, or sticker issued by the village.

3-1-9: LICENSE TO BE POSTED:

- A. It shall be the duty of any person conducting a licensed commercial establishment or activity in the village to keep his license displayed at all times in a prominent place on the premises, machine, used for such commercial establishment or activity.
- B. No person shall destroy, obliterate, take, remove, or carry away without the consent of the owner any license, certificate, plate, or sticker which has been discontinued or the licensed premises have been abandoned. Nothing herein shall prevent the village clerk or his or her duty-authorized representative from removing any license, certificate, plate, or sticker from the possession of a former licensee, the premises, any vehicle, or any machine when said license has been revoked under the provisions of this chapter.
- C. In addition to the posting of licenses, unattended service-oriented businesses, such as coin-operated laundries and car washes, are required to display a sign that properly informs their customers of the appropriate telephone number to contact in case of emergency situations. The sign displaying the telephone number shall be conspicuous, unobstructed, permanent in nature, and contained in a heavy plastic-type framing device securely mounted to the wall.

3-1-10: BUILDING AND PREMISES:

No license shall be issued for any commercial establishment or activity if the premises and building to be used do not fully comply with all applicable ordinances and regulations of the village and the state.

3-1-11: LOCATION:

No license for the operation of a commercial establishment or activity in the village shall be construed to permit its operation in more than one location in the village. A separate license shall be required for each location. For the purpose of this chapter, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be:

- A. Connected or shall be located on the same lot or zoning lot;
- B. Operated and managed by the same person or owner; and
- C. An establishment with the same classification.

3-1-12: NUISANCES PROHIBITED:

- A. No commercial establishment, or activity whether or not licensed, shall be so conducted or operated as to constitute a nuisance in fact; and no building, vehicle, structure, yard, lot, premises, or part thereof shall be used, kept, maintained, or operated in connection with any business so as to occasion any nuisance, or otherwise threaten the public health, safety, morals, or welfare. Any charge of conducting or operating a nuisance may be made under this chapter or under the provisions of any other village ordinance.
- B. No building or structure, utilized, constructed, or maintained in connection with any commercial establishment or activity shall evidence an unsanitary, unsafe or any other dangerous or unlawful condition.

3-1-13: INVESTIGATION AND INSPECTIONS:

- A. Whenever an investigation or a hearing pursuant to this chapter by any department or official of the village requires additional information from the licensee, the licensee shall be given written notice by the village of what additional information from the licensee is required, and the licensee shall fully and completely comply with that request.
- B. Whenever inspections of the premises used for or in connection with the operation of a licensed commercial establishment or activity are provided for or required by this chapter, or are reasonably necessary to assure compliance with the provisions of any ordinance or regulation of the village or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to admit thereto for the purpose of making the inspection any officer or employee of the village who is duly authorized to make such inspection at any reasonable time that such admission or entry is requested.
- C. Whenever an analysis of any commodity or material is reasonably necessary to assure compliance with the provisions of this chapter or any ordinance or regulations, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to give to any duly-authorized officer or employee of the village requesting the same sufficient samples of such material or commodity for such analysis upon official request.

3-1-14: ENFORCEMENT; AUTHORITY:

The village administrator shall take all necessary and appropriate action to compel compliance with the regulatory provisions of this chapter. All municipal employees duly authorized and acting as license inspectors shall be conservators of the peace with police powers for the purpose of enforcing the provisions of this chapter and other village ordinances relating to the licensing of commercial establishments and activities and their regulations.

3-1-15: SUSPENSION, REVOCATION OF LICENSE:

A. Suspension of business operations

1. When the conduct or operation of any commercial establishment or activity whether licensed or unlicensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety, or general welfare, the village administrator shall be authorized to summarily order the cessation of business and the closing of the premises for a period not to exceed ten (10) days.
2. Unless (i) waived by the affected business; or (ii) the nuisance is substantially abated in the opinion of the village administrator and the business is allowed to resume and reopen, within eight (8) days after a license or permit is suspended, the village president shall call a hearing as provided in subsection D of this section for the purpose of determining whether or not the license or permit should be revoked or further suspended.

B. Revocation of license

1. Licenses issued by the village may be suspended for up to 30 days or revoked in addition to any fine imposed by the village president after notice and hearing as provided in subsection (D) of this section for any of the following causes:
 - a. Any fraud, misrepresentation, or false statement contained in the application for the licensee;
 - b. Failure by the applicant to comply with any provision of this Code or any statutes of the state relating to the business, occupation, or activity of the license;
 - c. Conviction of the applicant of any felony or of a misdemeanor where such conviction indicates their inability to operate a safe, honest, and legitimate business operation within the village;
 - d. Failure of the licensee or permittee to pay any fine, penalty, or charge owed to the village;
 - e. Any deceptive trade practices as defined by state or federal law or regulation and shall comply with any applicable laws and regulations regarding consumer protection and deceptive trade practices;
 - f. Compliance with all village zoning, building, fire and health codes, and ordinances, as well as all other applicable village codes, ordinances, rules, and regulations and the premises shall be maintained in good repair, free of litter and debris and kept in a safe condition for employees, customers, and other persons present therein or thereon;
 - g. Any other violation of any village ordinance, resolution, or regulation; or
 - h. Refusal to permit an inspection or sampling or any interference with a duly authorized village officer or employee while in the reasonable performance of his duties in making such inspections.

C. Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable provisions of this chapter or other ordinances of the village. No person whose license has been revoked shall be eligible for a new license during the period for which the original license was originally issued.

D. Hearing procedures.

1. *Notice.*

- a. Notice of a hearing shall set forth specifically the grounds of the complaint and the time and place of the hearing.
- b. Such notice shall be served by certified mail (return receipt requested), or by personal service by the applicable county sheriff or Bartlett police officer or special process server, to the licensee at his last known residence or business address, at least five days prior to the date set for the hearing.
- c. If the licensee shall request a continuance in the date of the hearing, any suspension in effect shall be continued until the continued hearing date.
- d. All pleadings, motions, notices, and orders shall be filed with the village clerk.

2. *Procedural Rules.*

- a. Prior to the beginning of any hearing, the village president may adopt additional procedural rules as may be necessary for that hearing.
- b. At the hearing, the licensee shall be permitted counsel and shall have the right to respond, present evidence, and cross-examine witnesses.
- c. All proceedings shall be stenographically or electronically recorded.
- d. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in the circuit courts of the state shall be followed. Evidence not admissible under those rules of evidence may be admitted, however, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record.
- e. No discovery procedure shall be used prior to a hearing except by leave of the village president who shall supervise all or any part of any discovery procedure.
- f. The standard for proof for hearings shall be by the preponderance of the evidence.
- g. The village president shall preside and render the decision within a reasonable time after the conclusion of the hearing, but not later than 30 days after such conclusion. The decision shall be in writing and shall summarize the evidence and state the reasons for the decision.

3. *Hearing Costs.*

- a. Any licensee whose license is suspended or revoked, or a business that operates without a license shall pay to the village the costs of the hearing before the village president. The village president shall determine the costs incurred by the village for said hearing, including, but not limited to, court reporter fees, the costs of transcripts or records, attorneys' fees, the cost of preparing the mailing or serving notices and orders, and all other miscellaneous expenses incurred by the village or such lesser sum as the village president may allow.
- b. The licensee shall pay said costs to the village within 30 days of notification of the costs by the village president. Failure to pay said costs within 30 days of notification is a violation of this section and may be cause for license suspension or revocation, or the levy of a fine.

3-1-16: RESERVED:

3-1-17: PENALTY; ENFORCEMENT:

- A. In addition to the suspension and revocation provisions above, any person, firm, or corporation convicted of violating any provisions of this chapter shall be subject to a fine of not less than \$100.00 and not more than \$1,000.00. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- B. Whenever a person, corporation, limited liability company, partnership, joint venture, firm and/or other entity violates any of the provisions of this chapter, the village may cause appropriate legal actions and proceedings, in law or in equity, to be instituted and maintained to enforce compliance herewith.