



**VILLAGE OF BARTLETT
COMMITTEE MINUTES
AUGUST 21, 2018**

President Wallace called the Committee of the Whole meeting to order at 7:44 p.m.

PRESENT: Chairmen Camerer, Carbonaro, Deyne, Gabrenya, Hopkins, Reinke and President Wallace

ABSENT: None

ALSO PRESENT: Village Administrator Paula Schumacher, Assistant Village Administrator Scott Skrycki, Management Analyst Sam Hughes, Finance Director Todd Dowden, Community Development Director Jim Plonczynski, Assistant Community Development Director Roberta Grill, Public Works Director Dan Dinges, Public Works Engineer Bob Allen, Building Director Brian Goralski, Head Golf Professional Phil Lenz, Chief Patrick Ullrich, Deputy Chief Chuck Snider, Deputy Chief Geoff Pretkelis, Economic Development Coordinator Tony Fradin, Village Attorney Bryan Mraz and Village Clerk Lorna Gilles.

BUILDING AND ZONING, CHAIRMAN HOPKINS

1439 Snow Drift Circle Rear Yard Variation

Chairman Hopkins stated there is one item on the agenda tonight and that's 1439 Snow Drift Circle variation request. The petitioners are requesting a 3' 6" variation from the required 30' rear yard to construct a two story addition to the rear of the house. The addition will architecturally match the existing home. The Zoning Board of Appeals reviewed the variation request, conducted a public hearing and recommended approval at their August 2nd, 2018 meeting. We are here to discuss whether we should forward this on to the Village Board for a vote. Mr. Plonczynski do you have anything to add?

Community Development Director Jim Plonczynski stated that Chairman Hopkins covered it perfectly.

Chairman Hopkins asked if there were any questions from the Board. (There were none) He stated, they will forward this on to the Village board for a final vote.

COMMUNITY AND ECONOMIC DEVELOPMENT, CHAIRMAN GABRENYA

Indian Express BEDA Application

Chairman Gabrenya stated, our first item has to do with the Bartlett Economic Assistance Program and I would defer to Tony to explain the petitioner and the program.

Economic Development Coordinator, Tony Fradin thanked Chairman Gabrenya and stated, as you recall, the BEDA program was created this fiscal year in May. It was funded



VILLAGE OF BARTLETT COMMITTEE MINUTES AUGUST 21, 2018

with a \$150,000 line item that created a program that could be used to create incentives for both new businesses as well as existing businesses seeking to expand their offerings. The program is also targeted towards sales tax generating programs too, I would like to add.

Our first application came in from Ajay Tantuwaya who staff has been working with for the better part of this year in an effort to attract the Villages first Indian restaurant. Through a partnership and working together with him and his family, they have purchased a unit in Westgate Commons Shopping Plaza, 772 West Bartlett Rd. the former location of Sorelle's Salon. The unit had fallen into foreclosure prior to being purchased for redevelopment by the applicant's family. The petitioner had turned in cost estimates as required by the program, including estimates by S Kecki Construction, pricing out the applicants project at approximately \$115,000. Additionally he has attached a quote for signage for his new business at an additional \$3,986, bringing the total project cost to approximately \$119,000. As part of his application, he turned in proposed floor plans, including the addition of a 320 SF. kitchen, a dining room with four tables, with each table seating four, a waiting area and additionally he is required to install an additional bathroom to meet current building code. Documentation for the improvements and the associated costs were submitted for your review.

Mr. Fradin stated that as the first applicant for this new program, Mr. Tantuwaya had requested the maximum available incentive amount which the Board set at \$50,000. This would amount to approximately 42% of his buildout costs. Due to the finite amount of \$150,000 allocated for this BEDA program, as well as some other applications we are anticipating, staff recommended a rebate of \$25,000 which amounts to 21% of Mr. Tantuwaya's total project cost. The applicants request for this grant from the BEDA program was reviewed by the Economic Development Commission (EDC) at its July 9th meeting and after reviewing the applicants proposed business plan and the request for assistance, the EDC recommended in favor of granting a rebate in the amount of \$25,000. The funds for this program work as a reimbursement program, so the applicant would have to go ahead and make all the improvements and once that has been concluded, they would have to turn in all the proof of payment, lien waivers, and cancelled checks to prove the work had been done. On the back end of that, the \$25,000 would be paid to him as a reimbursement.

Chairman Hopkins asked who reviews the paperwork.

Mr. Fradin stated that economic development staff reviews it.

Chairman Reinke asked if the petitioner submitted a business plan.



**VILLAGE OF BARTLETT
COMMITTEE MINUTES
AUGUST 21, 2018**

Mr. Fradin stated that he did not submit a full business plan. The EDC questioned him on some aspects of his business plan and we have discussed it informally, but he has not submitted a formal business plan.

Chairman Reinke stated that he would like to see that when this comes up for a vote. Its relatively uncharted waters and he is excited about the concept and could see himself going to the restaurant. At the same its public money being used for a private purpose so in order for him to support this, he was going to need to see some benefits to the community and he wanted to make sure it isn't a purely speculative venture. He did not mean it in a negative way, but that's his duty in this instance.

Chairman Deyne said he frequents Westgate Shopping Plaza quite often and although they meet all the requirements for parking, it is very disturbing that when you are there and you can't find a parking place. We have to park way over by Bartlett Vision. Are we sure that with a new business coming in, that we do have enough adequate parking by code?

Mr. Fradin stated that its all shared parking so even in the office portion of the development, people are allowed to park.

Assistant Village Administrator, Scott Skrycki stated that one of the largest draws to the center is a restaurant that doesn't have evening or dinner hours and that would be the petitioners bread and butter time as far as parking is concerned, so I think that would help alleviate some of that parking.

Chairman Deyne asked if we can ask the businesses to have their employee's park in the rear of the building.

Chairman Gabrenya stated that she is on the condo board for the plaza and most of the units are owner occupied. We talk about this issue in the condo association meetings and the expectation is that employees park as far from the patrons parking as possible. It is not enforceable, but they do ask that the businesses do that.

President Wallace stated that he wanted to echo Chairman Reinke. This is the community's tax dollars we are using for the program so we have to almost underwrite it like a bank would. This means we are going to have to see some experience, some evidence that it is going to be a successful venture, a business plan, maybe some demographics, ramp of time, how long it will take to break a profit, etc.

Mr. Tantuwaya responded that he can do that.

President Wallace stated that the applicant has some more things he needs to bring to the Board so it is probably wise to have another Committee meeting on this, versus just



**VILLAGE OF BARTLETT
COMMITTEE MINUTES
AUGUST 21, 2018**

straight to the Board. We are going to need some financials, a business plan and then bring it to a vote. One of the nice things about the BEDA program is that the applicants will have to come up with the cash upfront so we know you will be invested in this wholeheartedly. We still have to be cautious as to what we are going to be using this program for and we certainly want to see it be a success.

May's Lounge Special Use Permit

Chairman Gabrenya stated that our next item is in regards to May's Lounge, a gaming establishment proposed at 211 S. Main St. across from Village Hall at the Bartlett Town Center.

Mr. Plonczynski stated that May's Lounge is back to you after having gone to the Plan Commission Public Hearing on its special use to serve beer and wine. It is a video gaming facility that's 1,587 SF. including the lounge area and twelve seats as well as five games. The state law requires them to attain our liquor license before they can get a state gaming license. They are within the parameters of what the state gaming license would allow. There would be potentially six employees. The parking in Town Center is large enough to accommodate this use. The Plan Commission did recommend approval subject to conditions and findings of fact. Angela from May's is in the audience.

Chairman Camerer stated that when people park in a business they go in from the front and he has been to the Arts in Bartlett and O'Hare's and finding a parking spot in that area is difficult. It seems to me that it is going to congest that area even more.

Mr. Plonczynski stated that the Town Center parking has been established for these businesses. The majority of the parking is in the rear and there are signs directing people to the rear of the building. He stated that May's will probably have the same signs. There is a walkway that cuts through the building from the rear parking so people can take advantage of that. There is no intention to build any more parking and it is shared with the residential units upstairs.

Chairman Hopkins stated that he always has trouble finding parking in the front, but there has always been parking in the rear and it doesn't cause an issue.

Chairman Camerer stated that if you don't mind walking from the back then it is not an issue.

President Wallace stated that he thinks all those businesses have entrances in the back.

Chairman Camerer asked if May's Lounge would be allowed access from the back.



**VILLAGE OF BARTLETT
COMMITTEE MINUTES
AUGUST 21, 2018**

Ms. Atamian stated that their floor plan shows that they have sectioned off what would normally be their back room into its own separate space so people can come in through the back. May's has done a parking study and it is estimated that they should need six parking spaces maximum. In addition, whether it is May's or someone else going in to the building, you are going to have the same parking issues.

Chairman Hopkins agreed with that.

Ms. Atamian stated that May's just opened the Niles location on Friday and they opened Berwyn today, so they now have four locations opened.

Chairman Gabrenya asked what the estimated time of opening is if approved.

Ms. Atamian stated they are projecting being opened by the end of October or November if approved.

The item was pushed on for a final vote from the Village Board.

Gambit is Ordinance Amendment and Special Use Permit

Chairman Gabrenya stated the petitioner is requesting to amend Ordinance 1995-14 and receive a special use permit. Chairman Gabrenya deferred to Mr. Plonczynski for more information.

Mr. Plonczynski stated that Gambit's location is at the southeast corner of Apple Valley Drive and Rt. 59. The building has been there for some time and the Board has the email from Ms. Boyd and a subsequent string of emails. Mr. Plonczynski continued that this particular center had a PUD zoning on it that required a number of excluded uses from the list of permitted and special uses in the B-1 and B-2 zoning districts and one of the excluded uses is a restaurant which is what the Gambit's owners would like to put in there. In order to move this forward and for Gambit's to open up as a restaurant with video gaming, they need to amend that ordinance to include the restaurant and liquor as special uses or permitted uses.

Mr. Plonczynski stated that one of the petitioners is a Bartlett resident and they are proposing to take this 3,500 SF facility and open it up into a restaurant that has video gaming. This went to the Plan Commission and they recommended approval. There was a condition about relocation of the trash enclosure that was suggested by one of the Plan Commissioners and placed on their recommendation. The trash container cannot be relocated. Staff recommended trash to not be picked up before 9:00 a.m. which Groot agreed to. The petitioners are here if you have any questions for them.



**VILLAGE OF BARTLETT
COMMITTEE MINUTES
AUGUST 21, 2018**

Chairman Deyne asked the petitioners when they did their initial research on this property, did they know there was a restriction for restaurants and why did they pursue that location?

Ms. Craig (petitioner) stated that they looked at a few locations within Bartlett, one being in Bartlett Plaza, but this is the one location that had everything they were looking for in a location. It is near Rt. 59 and Stearns which is a growing and the building has been vacant for a couple of years, so it would be nice to get something in there for the Village and for the other condo owners.

Mr. Mallo (petitioner) stated that they can purchase this building in the future which would be in their favor. In addition, when they looked at other locations, there wasn't enough space for what they were looking for.

Ms. Craig, stated that with being a resident of Bartlett, she had her heart set on Bartlett and she refused to look anywhere outside of Bartlett, so they were limited in that aspect to what was available.

Chairman Camerer asked Mr. Plonczynski if there are any other gaming establishments that are that close to a residential neighborhood.

Ms. Craig stated that Shelby's and Stella's are both within 300' of a residence.

Mr. Plonczynski stated that they would have to go measure, but this facility is right next door to a residence. Shelby's and Stella's have residences behind them as well and Bannerman's has residences across the street.

Mr. Mallo stated, that Gambit's wants to be mainly a restaurant, but do not want to be hurt by not offering the gaming experience.

Chairman Camerer asked if they would be willing to put off doing video gaming for a year while you promote the restaurant part of the business.

Ms. Craig stated that they are looking forward to the gaming revenue to help support their business, help purchase the building, and sponsor community events.

Chairman Camerer asked if they were ultimately just a video gaming place.

Ms. Craig responded, no.

Mr. Mallo stated that he would have to completely disagree with that. They have a full scale commercial kitchen, larger than most and on par with the size of Bannerman's kitchen. They have a ten foot commercial range and hood, it is a full scale restaurant.



**VILLAGE OF BARTLETT
COMMITTEE MINUTES
AUGUST 21, 2018**

Ms. Craig added, we have a full menu, nothing is frozen and nothing is complimentary.

Mr. Plonczynski stated that this is a little different than May's.

Chairman Reinke stated that he saw them at National Night Out and encouraged them to look at another site.

Mr. Mallo stated that downtown Bartlett has a lot of traffic, but there isn't enough, especially during the morning time when they serve bagels and donuts.

Ms. Craig added that they do not want to take away from the existing businesses, they don't want to be in direct competition with them. The location they chose is a prime location that is out of the downtown area, but brings something to Bartlett so that you don't have to travel to Schaumburg or Geneva to get a glass of wine.

Chairman Deyne asked what unit the petitioner would be occupying.

Mr. Mallo stated that it is in the south section of the building.

Chairman Deyne asked if the unit they were applying for was adjacent to the residential section.

Mr. Mallo stated, not at all.

President Wallace asked what the anticipated amount would be to perform the build out.

Mr. Mallo stated, they are roughly \$120,000 into the project and they have a total budget of \$348,000 just in their applications and the contractors bidding it now. They are all ready to go once they are allowed to move forward.

President Wallace asked to confirm the buildout was going to be close to a half a million dollars.

Mr. Mallo said that was correct.

President Wallace asked what the eventual breakeven was for the project?

Mr. Mallo, stated that they should break even in about 2.5 years and then hopefully purchase the property in 3 years.

Chairman Deyne asked them to confirm that they are already in the project for approximately \$120,000.

Ms. Craig said that was correct.



**VILLAGE OF BARTLETT
COMMITTEE MINUTES
AUGUST 21, 2018**

Mr. Mallo stated that it is just in the equipment they have already purchased as well as the furniture and décor.

Trustee Reinke stated that he noticed the dumpster out front.

Mr. Mallo stated that they are removing and replacing everything. Fox Valley has walked through the unit and a lot of it is non-compliant as it is currently.

Village Attorney Bryan Mraz stated that from a zoning standpoint this piece of property is very unusual. There is an old PUD Ordinance that listed what uses were permitted uses and what uses were special uses. The petitioner at the time took excerpts from the Zoning Ordinance for the B-1 and B-2 zoning districts from 1987, and he deleted certain permitted uses and certain special uses by making them “EXCLUDED”, in effect making it more restrictive for this property. I don’t recall it, but can imagine some of that was because neighbors were concerned and raised issues about what the uses would be in that center. It had permitted uses and special uses that were excluded uses, one of which was a restaurant. That being said, that doesn’t mean ordinances cannot be amended. It also had a tie in, in the ordinance to the declaration of condominium and to their by-laws that were recorded against the property which has certain additional procedural and voting requirements of the Board of Managers for the condo association and other unit owners to effectuate a change in uses in the event if the present Village Board votes to amend the PUD ordinance. I had seen purported approvals from other unit owners, but it is not my job to do legal work for the petitioner to clean up the condominium approvals, in particular where there are neighbors and other people affected by the proposed zoning that may object to the proposed change in excluded, i.e., prohibited uses for this site. There is some evidence that the other owners in the center have consented to the changes, but it is deficient. If the Board was to consider amending this PUD ordinance, the condominium declaration or at least the by-laws would need to be properly amended consistent with the terms of the condo declaration and bylaws. The petitioner may have decided not to go through the process of amending the declaration and the bylaws unless and until the Village Board approves of the amendment to the PUD to remove restaurants from the list of excluded permitted uses. The documents are very clear that if there was going to be a change in any uses, it has to come back to the Village Board to approve of any such amendments to the uses for this property.

President Wallace asked if everyone was ready to take a straw poll. He stated that we can either send it to the Board for a final vote or we take a straw poll now.

Chairman Reinke stated that he thinks it is important and it is fair to these people that if we wouldn’t pass this and they couldn’t move on, then they need to find a more fertile field.



**VILLAGE OF BARTLETT
COMMITTEE MINUTES
AUGUST 21, 2018**

Mr. Mallo stated that it would be biased, especially since right next door is a whole strip center of restaurants. He said he gets it because it is a condominium association, but to exclude a restaurant coming into that area that every owner is in full favor of, as well as a lot of the residents in Bartlett, just because of the current use. It has been vacant for a long time and the strip center next door almost never has a vacancy.

President Wallace said that he completely understands, but understand, what you are asking us to do is to keep you on this string longer and potentially have you go into more expenses.

He asked the Board whether they thought it was worth sending this project to the Board.

The consensus of the verbal vote was "no."

Ms. Craig said thank you.

President Wallace stated that the primary issue was the location, certainly not the concept or the plan.

Chairman Reinke thought the concept was exciting and wants to keep it in town.

President Wallace stated that the Board will be moving into Executive Session pursuant to Section 2(c)6 of the Open Meetings Act to discuss setting of price for sale of Village owned property.

Trustee Camerer moved to adjourn to Executive Session pursuant to Section 2(c)6 of the Open Meetings Act to discuss setting of price for sale of village owned property and that motion was seconded by Trustee Carbonaro.

ROLL CALL VOTE TO ADJOURN TO EXECUTIVE SESSION

AYES: Chairmen Reinke, Camerer, Carbonaro, Deyne, Gabrenya, Hopkins.

NAYS: None

ABSENT: None

MOTION CARRIED

The meeting adjourned to Executive Session at 8:21 p.m.

The meeting adjourned at 9:39 p.m.

Sam Hughes
Deputy Village Clerk