

PLAN

REPORT OF THE PROCEEDINGS OF A PUBLIC HEARING  
BEFORE THE VILLAGE OF ARLINGTON HEIGHTS  
PLAN COMMISSION

COMMISSION

RE: ARLINGTON BEER - 19 NORTH HICKORY AVENUE - PC #14-023  
LAND USE VARIATION, VARIATIONS

REPORT OF PROCEEDINGS had before the Village of  
Arlington Heights Plan Commission Meeting held virtually which permits the public to fully  
participate via the computers or using their phones, on the 9th day of June, 2021  
at the hour of 7:30 p.m.

MEMBERS PRESENT:

MARY JO WARSKOW, Acting Chairperson  
BRUCE GREEN  
TERRY ENNES  
LYNN JENSEN  
JAY CHERWIN  
JOHN SIGALOS  
JOE LORENZINI

ALSO PRESENT:

SAM HUBBARD, Development Planner  
BILL ENRIGHT, Assistant Deputy Director  
HART PASSMAN, Village Attorney

ACTING CHAIRPERSON WARSKOW: Okay, so I am going to call to order -- are you okay, Sam?

COMMISSIONER GREEN: Keep going, you're doing fine.

ACTING CHAIRPERSON WARSKOW: Okay, I don't know what Sam is doing there.

I'm going to call to order the Plan Commission hearing. Before we get started, I just want to read this statement.

I find that public health concerns related to the Corona virus pandemic render in-person attendance at the regular meeting location not feasible.

Let's move on to the Pledge of Allegiance.

(Pledge of Allegiance recited.)

COMMISSIONER GREEN: That's the hardest part, Mary Jo, by the way.

ACTING CHAIRPERSON WARSKOW: Everybody together on that one, huh?

All right, Sam, can you take roll call?

MR. HUBBARD: All right, we have Commissioner Cherwin?

COMMISSIONER CHERWIN: Here.

MR. HUBBARD: Commissioner Drost.

(No response.)

MR. HUBBARD: Commissioner Ennes. Commissioner Ennes?

Commissioner Ennes, I see your name here and it says that you're not muted, but I can't hear you if you're speaking.

Commissioner Ennes, you may need to -- oh, there you go, connecting to audio.

Commissioner Ennes, are you present?

COMMISSIONER ENNES: Yes, I am.

MR. HUBBARD: All right. Commissioner Green.

COMMISSIONER GREEN: Here.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: I am, since George isn't here.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Here.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Here.

MR. HUBBARD: And Chair Warskow.

ACTING CHAIRPERSON WARSKOW: Here.

All right, so next up is approval of the minutes from the May 26th Plan Commission hearing.

Do I have a motion?

COMMISSIONER GREEN: I'll make that motion for approval.

ACTING CHAIRPERSON WARSKOW: Is there a second?

COMMISSIONER LORENZINI: I'll second it.

ACTING CHAIRPERSON WARSKOW: Okay, it would be a roll call on this, Sam?

MR. HUBBARD: Yes.

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ACTING CHAIRPERSON WARSKOW: Okay.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MR. HUBBARD: Commissioner Ennes.

COMMISSIONER ENNES: Yes.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. HUBBARD: Chairman Warskow.

ACTING CHAIRPERSON WARSKOW: Yes.

All right, moving on to our first petition, for PC# 14-023, Arlington Beer at 19 North Hickory Avenue.

Do we have the Petitioner here, Sam?

MR. HUBBARD: Yes.

If the Petitioner could raise their hand, and anyone on the Petitioner's team and they want to comment, please raise their hand in Zoom and I'll bring you in.

So, looks like we have Ms. Egan from the Arlington Beer Company. Ms. Egan, I do see you, looks like you have someone else here in the -- would you like to unmute yourself first of all?

MS. EGAN: Yes, yes. So, I have John Carlson, my landscape architect.

MR. HUBBARD: Okay, let me bring him in.

ACTING CHAIRPERSON WARSKOW: I got lost for a second there, I'm back.

MR. HUBBARD: All right, I think we have the Petitioners present.

ACTING CHAIRPERSON WARSKOW: All right, have all public notices been given for this petition?

MR. HUBBARD: They have.

ACTING CHAIRPERSON WARSKOW: Okay, so now I'm going to swear the representatives of the Petitioner in.

(Witnesses sworn.)

ACTING CHAIRPERSON WARSKOW: Okay, is that everybody?

(No response.)

ACTING CHAIRPERSON WARSKOW: All right, who's going to start off with the presentation?

MR. CARLSON: Kathleen?

MS. EGAN: Yes. Hi, John.

MR. CARLSON: I don't know where my video is. I'm plugged in at my end as far as I can tell.

MS. EGAN: Yes, I don't see you.

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MR. HUBBARD: But you can, Ms. Egan, you can go ahead and share your screen to do the presentation if you're ready.

MS. EGAN: Oh, I'm sorry, Sam, I thought you were sharing it.

MR. HUBBARD: I do have it as a backup here if you need it.

MS. EGAN: That would be great, because, yes, I do.

MR. HUBBARD: Give me a second here.

COMMISSIONER JENSEN: Kathleen, your hand is still raised.

MS. EGAN: Oh, thank you.

MR. HUBBARD: I'm not able to connect to the presentation. I can get it from a different source.

Do you have it on your computer?

MS. EGAN: I do not have it on this computer.

MR. HUBBARD: All right, well, why don't you give your introduction and I will --

MS. EGAN: Okay, great.

So, I'm Kathleen Egan, owner and president of Arlington Beer Company. I also own and operate Itasca Brewing Company which is located in Itasca for the last six years. We're at the entrance of the Fox & Turtle at the Itasca Country Club. Actually, we recently moved out of there this May as we did not have an open area or outdoor area and we had been closed down due to the pandemic for the last year. So, with the up and coming Arlington Heights project and another project that we also are now venturing in on, both places that we will be located at will have indoor and outdoor space. We feel that vital based on the fact that the pandemic and what might come in the future, based on what happened this past year, it's vital that we have outdoor space and enough room to social distance people.

I personally work at Rush University Medical Center. I'm the director of Care Transitions for Rush University and Rush Oak Park. I've been there for 30 years. I work, my nephew who I'll introduce from this was the brewer, Michael Valente, the head brewer at Itasca Brewing Company. He kind of got my husband and I engaged in this brewing kind of business, and we had a success. He's the creative person and the brewer, and I help him with the business and dealings with villages and things of that nature.

So, Michael is/was the head brewer in Itasca. He had an international degree in brewing technology from Siebel Institute which is down here, it's called Goose Island, they run a brewing school. He also ventured over to Germany, to Munich, Germany to get an international brewing degree. He did a lot of brewing in North Carolina prior to coming to Chicago and entering this venture with us.

Go ahead, Sam, if you want to forward it.

So, this is a copy of the brewing degree that Michael had.

Okay, so the next is Zachary Phillips, since also we have two head brewers in Itasca. Zachary came with Michael from North Carolina. He has been brewing for us for the past six years in Itasca. Again, worked in North Carolina and has since relocated to Chicago for brewing. Go ahead.

So, our mission and values and beliefs, you know, we've been doing this like I said for the past six years in Itasca, promoting handcrafted beverages, and promoting the responsible enjoyment of craft beer, fostering social, environmental and cultural changes business philosophy, eco-friendly stewardship, honoring nature and recycling at every

opportunity, lots of homegrown products. The brewers live in Arlington Heights. They grow in their garden, they collect honey. We get honey from Itasca beekeepers and do a lot of things, anything that can be local to put into our products we try to do. So, creating a product that enhances the lives of the people and something that they feel very honored and proud to serve. Go ahead.

So, we're a small, independent, unique establishment, offering a variety of specialized brewed beverages, everything from coffee beers to fruit beers to double IPAs, you know, you name it, they try it. They're very creative in the way that they create their beers. They also have handcrafted soda. They have rootbeer, a birch beer, an orange beer, cream beers -- I mean, I'm sorry, cream soda, orange soda, rootbeer. So, sodas and beers.

We're looking, like I said, to offer both indoor and outdoor seating, and the ability to purchase products such as a 'crawlers' and 'growlers' to go. Crawlers are 32-ounce cans that we have a machine that pours right into it and seals it right in front of the customer as fresh product to go.

So, again, you know, craft beer is different than, you know, the big beer companies where it's brewed for creativity and art. It's not always for the masses but more for the locals. So, it's definitely a particular palate.

These are a list of the regulatory bodies. Just so you know, we have the TTB, the ATF, the State Liquor Commission, that monitor our ins and outs of our beer, our taxes and trades, making sure that we're calling for a product and things of that nature.

So, who generally is our clientele? You know, we do not only have been in Itasca. We've done multiple large fests. We do the Fireworks, when the fireworks are happening, we do the Fireworks in Itasca. We also did September Fest in Schaumburg, several golf tournaments, do art fests, all of the fests, October Fest, Itasca Fest, and anywhere we can participate that we're asked. We've done things in Elmhurst. So, we've been around the surrounding suburbs, participating in fests with our products. You can go ahead, there you go.

So, we're trying to create a welcoming family atmosphere. Hopefully, we have something that everybody will like when they come in.

So, just so you get an idea, you know, as you know, I'm sure you've heard, it's a blooming business. Craft beer sales have grown by 13.6 percent each year since 2008. The only time sales didn't grow was this past year, and that was due to the pandemic. But it is quite an industry that has, you know, \$22.2 billion annual volume just in the United States alone, and there are estimated two million people working within the craft brewery industry in the United States.

So, our brew house in the community, you know, safety and preventing and deterring underage drinking, over-consumption. As you know, we are regulated but we also are very committed to our communities that we're within. We are fencing the perimeter of the outdoor area. We comply with all the State of Illinois requirements, the different qualifications that need to be done to serve the alcohol, education of the staff, strict adherence to state liquor laws, and also allowing for non-alcoholic alternatives to adult beverages to be served.

So, the other thing that we do is we're very big in community involvement. As I said, in the past, we're always open to doing charity events, being involved in the community as a positive influence, utilizing local products from other businesses in the community, and then leveraging food and things of that nature from the local eateries.

So, by taking appropriate measures, you know, not only as outlined by state and federal law but in accordance with common sense, you know, rational interests and general concern for the welfare of our friends and neighbors, we feel we'll be able to operate a safe business that can be found in there, from stringent age verification procedures to observation of a patron level of visible intoxication to having public transportation options clearly listed. You know, we make every effort to ensure that our customers enjoy our products as safely and responsibly as possible.

So, with this, I think you have some of the renderings we've put up in here again. So, we have outdoor seating that we're looking to create. This will include an installation of a wrought iron gate, a lane of paver block and hardscapes and the cultivation of similar landscapes that you might see in the downtown area. So, neat, clean, crisp but friendly and inviting.

This is a picture of the front. There's the wrought iron fencing between the Knights of Columbus and us. Then at the top, we actually added leaves in there to keep of give it the brewery feel. So, people will be entering, actually this will not be an entrance but they'll be entering through the brewery and off the side.

So, we're looking to have an outdoor fireplace. So, there'll be an area, as you can see, we're hoping to do an area where there's some activity, maybe some events, games, and then picnic-style area for people to gather, and also more of a community feel of, hey, I'm in my backyard with couches and chairs and sofas and things of that nature. We plan on having some TVs although that's not the focus of a brewery; but however, when there are special events, some people do like to be able to come and sit outside and enjoy a beer while they watch their favorite sports game.

So, we have signage. This is our logo. The ABC is very similar to the IBC. In the IBC, Itasca Brewing Company bottle cap, it's more of this, the straight. We give them a hat to make the ABC. So, similar logo, and we plan on putting on a post illuminating it in the front of the building.

So, we also do, you know, like I mentioned before, I just wanted to drive home that we have non-alcoholic beverages and we're very famous especially for our rootbeers. We do supply the rootbeer to the local play at the junior high. They sell it for a fund raiser. It is very popular here in Itasca. So, it's nice to know that when people come out, if they're not drinking or they want something that's non-alcoholic, or if the children are there, that they're welcome to come.

So, parking, public parking is along Hickory and Douglas Street for us. We've also secured spots at the parking lot located on the west side of North Douglas Avenue between East Kensington Road and East Miner Street. That's in partnership with the Park District. We also feel that this is a walkable business, hopefully, for many in Arlington Heights, or bike-able. Bike racks will be available.

So, controlling noise, you know, we are located in the front of Itasca Country Club and in front of the entrance to the restaurant. We're very cognizant of being good partners, being good neighbors. Then in order to control noise outside, we have the indoor thing. We will adhere to any kind of requirements that the Village puts on us regarding noise.

So, again just to let you know that we can do on-site consumption. There's also the ability for people to come and to go with crowler jugs, that's what a crowler jug looks like there, and then the crowler cans that are recyclable. Also, there's always opportunity

to partner with local establishments to have our beer on tap.

So, this actually is October Fest in Itasca. That's our mayor and one of our long-time residents where we participated with the Lions Club to throw on the October Fest. Again, we're open to doing all kinds of things within the community to help partner.

So, the other thing about us is that, you know, our brewers are very young. They bike where they go. They're into, you know, green technology. Our spent grain goes to, actually one of our employees' sister has a farm in Genoa, so our spent grain goes there. They recycle as much as they can. They are looking always at different ways and making sure that they're, you know, environmentally conscientious.

Okay, so that's the end of the presentation. I'm looking forward to making Arlington Heights our home, and I'm open for questions.

ACTING CHAIRPERSON WARSKOW: Thank you very much, Kathy. One question for you. Have you read the Staff report and do you agree to the conditions that are listed in that Staff report?

MS. EGAN: Yes, I have read the Staff report and I have spoken with Sam. I do know that there are some capacity recommendations that they're making. I just want to remind everybody on the Plan Commission as well that I have a consumption limit. So, this is not really standard in the industry anymore but was, about the last five, 10 years, where villages would put a consumption limit of 48 ounces. I do have that consumption limit, and now I do have a capacity limit as well, so I am just hoping that we can work through that as time goes on to show that we're neighborhood-friendly and appropriate and reasonable within the community.

So, people can only drink 48 ounces and then I can only have so many people. So, I'm just a little disappointed to hear that but we're adhering to what is recommended by the Staff.

ACTING CHAIRPERSON WARSKOW: All right.

Okay, so Sam, I think you're up with the Staff presentation.

MR. HUBBARD: Sure.

So, the Petitioner is before you this evening to request a land use variation to allow their brewery. As you've heard, the site is located at 19 North Hickory Avenue. There's two buildings on the site. There's one primary building in the front, two stories, and then a smaller accessory building in the rear. The rear building would be where they brew beers, and then the front building would be the taproom area for consumption. Additionally, there's proposed to be an outside consumption area as you've also heard about this evening. Access to the site comes from a curb cut on Hickory and a rear easement from the Arlington Market to the family homes to the east that allows access to the rear of the site.

So, there's been a lot of history on this particular proposal. The Plan Commission may have noted that the application number is 14-023, which means the application was received in 2014. So, the Petitioner actually approached the Village in 2012 and asked about the allowances for brewing, and subsequent to being informed by the Village that beer production was permitted in the M-2 district, which was actually an error, the Petitioner purchased the property at 19 North Hickory, which was zoned M-2 at the time. But after further examination of the zoning code, the Village actually determined that production of non-alcoholic beverages is allowed in M-2 or was allowed in the M-2 district, but production of alcoholic beverages was not a permitted use in the M-2 district.

Since that time, the Village has adopted the Hickory-Kensington

Overlay Zoning District and has rezoned this property into the R-7 Multiple Family Zoning District. But even though it's zoned R-7, the Hickory-Kensington Overlay District allows M-2 uses on the subject property. It basically 'grandfather rights' those uses to allow them to continue under the overlay district regulations.

So, in 2014, the Arlington Beer Company submitted a zoning application for a land use variation to allow brewing of alcoholic beverages on the subject property, and that was to include beer production and a taproom. There was no liquor license classification for a microbrewery at that time, which would also include a taproom for on-site consumption. So, Staff informed the Petitioner that until a liquor license actually is created for that use, we cannot proceed with a land use variation. So, the Petitioner put their project on hold.

In 2018, the Village Board approved an amendment to the Liquor Code to create an M liquor license classification that would allow for on-site consumption of beer or ale that was also brewed on-site, subject to certain restrictions. At the same time, the Village Board also approved a change to the zoning code to allow microbreweries and breweries within certain zoning districts which also allowed a limited space for a brewery or microbrewery to conduct retail sales on premises including a taproom. But there was a cap on the amount of retail sales that was allowed in relation to the overall brewery, so specifically where these breweries were allowed in a business district, the retail sales portion was limited to 35 percent of the overall square footage. Where it was allowed in an industrial M-2 district, the retail sales portion was limited to 10 percent of the overall floor area. These limitations were put on by the Village Board due to their desire to restrict these facilities from becoming, you know, too much like a bar, but also to address limited parking in manufacturing districts specifically with that 10 percent cap, because traditionally manufacturing districts don't have as much on-site parking to accommodate for the demand from something like a taproom.

After this approval of the new liquor license classification and zoning regulation changes, the Arlington Beer Company reengaged with Staff and began to go down the process. So, that's kind of the summary of the history on the site. Again, it's zoned R-7 and the Petitioner is requesting a land use variation to allow a brewery with a retail portion at 50 percent of the overall floor area which is in excess of the percentages allowed by Village Code, so the land use variation is required. Additionally, they are requesting certain variations and I will be getting into those later on in the presentation.

The total square footage of the outside area is just under 1,600 square feet. I think it's important to note that that area was not factored into the overall 50 percent retail floor area calculation. If that area had been factored in, it would certainly increase that percentage above 50 percent. But that outdoor area does get factored into the parking calculations because it will generate additional demand for parking. Basically, there's a total of 73 seats proposed for inside consumption of alcohol and 65 seats proposed for outdoor consumption, which is a total of 138 seats approximately with additional standing room for consumption.

The Petitioner has provided their response to the land use variation approval criteria, and they believe they meet the criteria. The Staff Development Committee has reviewed that and we are supportive of the taproom in this location with the land use variation as requested. But I would note that one of the intents and purposes of the Zoning Code is to regulate the intensity of land use within the Village to protect the public health, and the Staff



Development Committee does have some concerns over the intensity of use of the exterior area. So, we are recommending a condition of approval that would reserve the right for the Village to add future restrictions on the usage of the outdoor area should it be determined that the area is a detrimental nuisance to the surrounding property owners which could include limitations or restrictions on the occupancy of that outdoor area, the hours of operation, or even, you know, restrictions on levels of noise and what can be projected and what times and so forth as part of that outdoor area usage.

I would mention that the Comprehensive Plan designates the site as appropriate for moderate density multifamily which corresponds to the Hickory-Kensington plan in this area that envisions this part of town to become a more mixed use, pedestrian-friendly environment. The existing Comprehensive Plan designation is appropriate for the site given the long-term future use that could occur here and that long-term vision for this area to redevelop. So, we're not recommending any amendment to the Comprehensive Plan at this time.

The Petitioner has undergone several actions to bring them to the point they're at today. Back in 2014, they appeared before the Plat and Subdivision Committee which is now known as the Conceptual Plan Review Committee. Their plans at that time did not depict the overall extent of the taproom. In fact, the main building which is going to be the taproom was actually going to mostly be brewing, and there was only a small area inside that would have been the taproom. There were no details provided on the outdoor usage at that time. I'd characterize the Plat and Subdivision Committee as generally open to the concept of the brewery and taproom at this location, but they did acknowledge the long-term plans for this area contained in the Hickory-Kensington plan that envisioned moderate density residential uses on the site. They also did have some concerns about parking at that time.

Then in February of 2019, the Petitioner held a neighborhood meeting to introduce the project to the surrounding community. According to the Petitioner, there were five members of the community that attended that meeting. Discussion was mostly centered around parking and hours of operation, and when the Arlington Beer Company would open. There was some discussion on parking management during times the Knights of Columbus, which borders the facility at the south, when they have an event, how would parking be managed, because oftentimes when there is an event at the Knights, a lot of the street parking along Hickory is occupied. Overall, the Petitioner felt the tone of the neighborhood meeting was positive and the residents were looking forward to this use in this location.

As the Petitioner's plan continued to evolve, they did appear in front of the Village Board for an early review. On my slide here, it says that occurred this year, but that actually occurred back in 2019, March 18th of 2019. They presented their concept to the Village Board at that time. The Board I think was, you know, generally in favor of the concept but they did have some concerns over parking and they did question if the taproom size needed to be reduced to a smaller percentage of the overall business.

Then in March 10th of last year, the Petitioner appeared in front of the Design Commission and received Design Commission approval for the project subject to three minor recommended changes, not required but just recommendations for changes.

So, here is the aerial of the site. The subject property is bounded in red, you can see the arrow pointing to it. Here is Hickory Avenue. North is up on the slide. This would be Miner Street, Douglas, and then Kensington is on the south. Knights of Columbus facility is here. Important to note, the American Legion facility is here, and there is a parking lot

at the Park District located to the west, and we'll be discussing that parking lot later on in the report.

I would mention that, as you can see on the slide here, there's really no formal parking area on the subject property, but there is on-street parking on Hickory. There are about 42 spaces on the west side of Hickory, and there's about 31 spaces on the east side of Hickory. That totals 73 on-street spaces on Hickory. On Douglas, there are more on-street spaces, 61 on the east side and 86 on the west side. Then of course, there is the Park District parking lot here which has at least 56 parking spaces.

Moving along, here is their site plan. You can see there the property lines are shown by the red dash line. The Petitioner is proposing some significant landscaping improvements. They're adding planters out front, adding additional trees here, some arborvitae to the north, and they're changing this area which is currently just a gravel drive aisle to their outdoor area with, you know, to include ambient lighting to create a pleasing aesthetic for the outdoor consumption.

They aren't proposing any alterations to the location of the structures on the property. The exterior changes that they were proposing don't alter any of the existing setbacks. So, you know, relative to code, all of the other setbacks are legally non-conforming, and the size of the rear brewery building is also legally non-conforming.

The Petitioner has proposed a fireplace on the brewery which extends up to 17 feet in height at the very tip, to keep the top of the fireplace over the roof of the brewery as required by Building Code. This does require a variation because the size of accessory structures is restricted to 15 feet in height. So, they do need a variation from the Municipal Code to allow that height. Additionally, they are proposing some fence improvements on the property which do exceed code requirements and also require a variation. Specifically, there is a seven-foot tall dumpster enclosure proposed at the rear of the site, and then they're proposing a sliding gate on the existing fence in the back which I believe is also going to be seven feet where code restricts the maximum height to six feet.

Along the north side of the property, they are proposing a wood frame garden wall that would stand up to 12 feet in height. On the front of the building, they are proposing some fencing and decorative elements on the fence which exceed the fence requirements. They extend up to 12 feet maximum for the decorative element, and then there's an arch on the fence that is seven feet where code only allows a six-foot tall fence.

This is showing the east elevation, this is showing the fence. This is the portion that exceeds that six-foot tall limitation, and then the wheat grass on top is attached to the fence pole, considered part of the fence, needs a variation because it's 12-foot tall. Then this is along the side of the building, along the north side of the building, this kind of shows where that 12-foot wood frame garden wall would go. That's going to provide a buffer from the properties to the north. Staff is supportive of these variations and is recommending approval of both variations.

So, this gets to the last thing that I want to discuss, parking, probably the most important part of this application. As I mentioned, there is no on-site parking. So, the entire parking demand from this development would need to be accommodated on the public streets or through a separate arrangement on a private property for off-site parking facilities. Excuse me for a moment.

The Petitioner has requested a variation to waive the traffic and

parking study required by code. We are supportive of that variation request. We believe that the necessary criteria for approval have been met. Given the expected traffic peaks for this type of development, we do not believe that the brewery/taproom will have a negative impact on traffic in the surrounding area. However, again as we've mentioned, there is no on-site parking, so they are needing a variation to reduce the required on-site parking from 60 spaces to zero spaces.

Based on our parking calculations, peak occupancy of the interior taproom area would approach 96 people, and peak occupancy of the exterior area is going to approach 101 people, equating to a total peak occupancy for the facility of around 200 people just based on our parking regulations and code requirements for parking. Given that expected occupant load, the Zoning Code requires the business to provide those 60 spaces for on-site parking where zero are provided. However, the Petitioner has arranged for a three-year lease with the Park District for 26 parking spaces in their parking lot located to the west, approximately 500 feet to the west. That agreement did go before the Park District Board last evening. From what the Petitioner has told me, the Park District Board did approve it. They have not signed it yet, they need to negotiate, or not negotiate but they just need to determine the start date of the lease based on when approval may or may not come for this development.

Additionally, the Petitioner surveyed parking along Hickory and Douglas in early 2019, and again in early May of this year to kind of determine whether or not there was enough availability for street parking to accommodate for the demand expected by the development. Based on their surveys and on the other times that they've been to the site, they observed what they believe to be ample street parking available on both Hickory and Douglas to accommodate what they expect for demand from this facility. However, the Staff Development Committee has concerns with the parking surveys that were done and submitted along with this application. I would note that one was from January of 2019, and that wouldn't account for seasonal peaks at the Park District for usage at Recreation Park, and there was no information provided relative to any events occurring at the Knights of Columbus or the American Legion facility which also has a large impact on the availability of on-street parking. So, we don't know if there were events occurring; we don't believe there were any during the survey times. So, we don't believe that the surveys provided capture what the potential peak supply would be for on-street parking.

There were additional surveys provided from May of this year, but due to the Corona virus, we don't believe that there were any events occurring at the Knights' facility during the time in May when that survey occurred, and due to the season, we don't believe that there was peak usage occurring at Recreation Park. So, we don't believe that we have sufficient evidence to demonstrate the availability of on-site parking spaces, and the hours and number of days that were surveyed, you know, is very limited. So, you know, as this area of town continues to redevelop, there is going to be additional demand for on-street parking, and hourly restrictions may be implemented on Hickory or Douglas, proposed at some point in the future to help manage any future demand as this area redevelops. Currently, there are no hourly restrictions for parking on Hickory or Douglas.

We would note that one of the intents and purposes of the Zoning Code is to limit congestion in the public street and protect the public health, safety, and general welfare by providing for the off-street parking of motor vehicles. So, granting the variation to waive the parking requirements for this property would shift the burden of at least 34 permanent

parking spaces, and potentially an additional 26 spaces if that three-year agreement with the Park District expires, would shift that demand on to public streets. We don't believe that to be within the spirit and intent of the Zoning Code. In order to protect the public welfare, the Staff Development Committee is recommending a condition of approval that would restrict maximum occupancy within the facility, and I would note that per discussions with the Petitioner, they have envisioned their maximum, you know, typical peak occupancy of 30 to 40 people and that includes both the interior and exterior spaces.

So, the way that we looked at this analysis was that the 26 spaces that the Petitioner has with the three-year lease with the Park District equates to the parking demand that would be generated by 87 occupants. So, provided the Petitioner is able to maintain the agreement with the Park District, we're recommending that occupancy be restricted to 87 people maximum. If that agreement expires and is not renewed, then the Petitioner would need to reduce occupancy to no more than 50 people or provide a substantially similar solution to the parking deficit which would need to be reviewed and approved by the Village Board ultimately.

Additionally, we would recommend a condition that would require the Petitioner to put into place a system to manage occupancy at all times and have an accurate count on how many people are in the facility. You know, we want the ability to review and approve whatever method they determine for counting that occupancy. If upon inspection by the Village there are multiple repeated violations to that maximum occupancy, the Village can pursue any and all legal remedies including possible closure, revocation of the liquor license, or any other actions that the Village deems appropriate.

Relative to bike parking, two bike parking spaces are required by code, and the Petitioner has provided a bike rack to meet the code requirement.

That being said, we are recommending approval of this application subject to the conditions outlined in the Staff report and summarized here, and that concludes my Staff report. Thank you.

ACTING CHAIRPERSON WARSKOW: Thanks, Sam.

Can I have a motion to include the Staff report in the public record?

COMMISSIONER ENNES: Commissioner Warskow, I would make that motion to approve the Staff report.

COMMISSIONER CHERWIN: I'll second.

ACTING CHAIRPERSON WARSKOW: All right.

Okay, so does any of the Commissioners have any questions or comments they would like to make before we open it up to the public?

COMMISSIONER GREEN: Mary Jo, we need to have a vote on the motion.

ACTING CHAIRPERSON WARSKOW: Oh, yes, sorry. Yes, we need, that's right, thank you. We need a vote on the Staff report.

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MR. HUBBARD: Commissioner Ennes.

COMMISSIONER ENNES: Yes.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. HUBBARD: Commissioner Jensen. Commissioner Jensen?

COMMISSIONER JENSEN: Yes.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. HUBBARD: And Chair Warskow.

ACTING CHAIRPERSON WARSKOW: Yes.

All right, so now moving to any Commissioners who have questions.  
Yes, Lynn?

COMMISSIONER JENSEN: Just one, well, I have a number, but I may not ask them all at this point, but I want to understand from Ms. Egan, she indicated that there might be a problem if she had both the consumption limit and a capacity limit placed on her at the same time. What we're talking about the consumption limit was 48 ounces possibly going up to where Elk Grove Village or Buffalo Grove or wherever it is, it would have been 60 ounces. Is it financially feasible if you have these two limitations placed on your operation? I'm trying to understand what the point was that you had made. You alluded to that, but I'm not sure you --

MS. EGAN: Right. So, there is concern about that obviously, that if you're having a consumption and a capacity limitation, will you be able to be viable and as successful as you want? So, I have patrons that can have 48 ounces but might feel comfortable sitting there for long periods of time. Then if I'm at capacity, I won't be able to move people. So, do I impose time limits and things of that nature, stuff that we're not, you know, anticipating to have to think through and would prefer that we didn't have the consumption and the capacity limitation as it's a kind of a double whammy. But, you know, we don't see any other options around it if this is the way that it's going to be with the Village.

I will say other villages that I've worked with and working with now and there have been issues with parking and things of that nature, it has been the onus of the village. This has been the onus of me and it was quite a labor of multiple, multiple months, Sam knows, trying to negotiate with other areas for parking. Like with the bowling alley, with the daycare, you know, doing valet. This is not a free, this is a financial contract with the Park District, so there's another layer of that where this is an extra expense for me.

The reason that it's three years is because we both agree like is this something that I really want to commit to where I'm in 10 years and a 100-grand, you know what I mean? So, we did a three-year and commit. They did not say that they weren't willing to extend. I didn't say that I was willing to extend. We'll have to see how things go with what we'll need.

I've been there multiple times. I don't have a parking study, but I've been there when the Knights had an event. The American Legion had poker. There was a soccer game, a baseball game, the pool was open, and there's ample street parking. So, I mean, I see both sides. I'm trying to, you know, work in a reasonable manner but this is something that I wasn't expecting, this limit on my capacity. But we'll make do and hopefully be able to be successful with that.

COMMISSIONER JENSEN: So, what I understand you saying is you will try to live with those initially, so that's not a deal breaker for you.

MS. EGAN: Correct --

COMMISSIONER JENSEN: Okay, my other question is looking at --

MS. EGAN: -- this project, so yes, we're trying not to be, but we do have concerns around it for sure.

COMMISSIONER JENSEN: The other question, and then I'll let the other Commissioners ask questions, it's not clear to me exactly how one goes from the Park District parking lot in Douglas Street directly to your brewery. It looks like that's a very secluded --

MS. EGAN: So, there's a pathway.

COMMISSIONER JENSEN: Oh, is there a pathway?

MS. EGAN: Yes, there's a clear path. Right there.

COMMISSIONER JENSEN: So, those are paved.

MS. EGAN: Paved. It actually is a pretty direct route right from the parking lot, paved walk right through to the --

COMMISSIONER JENSEN: Okay, good. No, I'm hoping that if somebody has the 48 or 60 ounces, they could actually get to their car. They may or may not be, they shouldn't be driving.

MS. EGAN: -- Uber-ing, right, and so then I did approach the Village and say, oh, I had some conversations. So, if my capacity is 50 let's say but 25 people rode their bike or walked, does that count against me because they didn't take a car? But they feel that they're going to give me this number and the number is, whether 90 percent of my patrons came without a vehicle and aren't really clogging up but, you know, again, I'm layering on monitoring the capacity and then how they got there and a lot of things that I have to put into place to check. So, just making sure that I can handle all of this on top of everything else.

COMMISSIONER JENSEN: Great. I appreciate those answers and I'm going to stop at this point. I may ask you questions later on, but I'll stop for the other Commissioners that have a question.

ACTING CHAIRPERSON WARSKOW: Commissioner Ennes?

COMMISSIONER ENNES: I have a question for Ms. Egan. You mentioned that the other properties that you have leases on made this differentiation when there's requirement for capacity and amounts. Have those other properties had the parking situation that you have here where you have no parking on-site?

MS. EGAN: Yes.

COMMISSIONER ENNES: Okay.

MS. EGAN: Other villages similar, yes.

ACTING CHAIRPERSON WARSKOW: Commissioner Sigalos?

COMMISSIONER SIGALOS: Sam, can you please pull up that aerial of this property? Yes, that's it. I'm just curious. There is a parking lot to the southeast of your building. Who does that belong to? Is that part of the bowling alley that's out there?

COMMISSIONER JENSEN: That's southwest, isn't it?

COMMISSIONER SIGALOS: That's southeast of, north is up, so that would be southeast of the property, of Ms. Egan's property.

MS. EGAN: Is that north? Is that how --

MR. HUBBARD: It's southwest.

COMMISSIONER GREEN: It's southwest.

COMMISSIONER JENSEN: That's southwest.

COMMISSIONER LORENZINI: No, southeast. John is right, southeast.

Look at the blacktop pavement.

COMMISSIONER SIGALOS: Yes.

COMMISSIONER JENSEN: Oh, over here, okay.

COMMISSIONER SIGALOS: That parking lot right there, who does that belong to?

MR. HUBBARD: It's the bowling alley.

MS. EGAN: Bowling alley.

COMMISSIONER SIGALOS: Okay, I'm assuming you reached out to them?

MS. EGAN: Oh, yes. Very nice people, very nice conversations, you know, but feeling again that they, if they had a tournament and things of that nature, that would they be able to fit parking. They do have quite a large lot, but we talked to them extensively, and again they were concerned about when they have something, would they have the ability to meet the needs of our patrons.

COMMISSIONER SIGALOS: Okay, and then the last question I had, I'm assuming you're not serving any food or anything? Would you be serving like any type of snacks, pretzels or peanuts, things of that nature?

MS. EGAN: Yes. So, there are certain through the Department of Health, level one, or I'll have to look back, it's either grade A or level one, you know, certain things that we're able to serve without a kitchen. We're really, we were initially, when we were starting this, looking at doing food trucks and things of that nature, but there's a provision in Arlington Heights where there's only an hour allotment and that does make it difficult for a food truck to commit because they need to be there more than an hour to make money. So, other things are pop-ups and kiosks that people do, like you can ask to partner with or, you know, if you want to do some sticky buns, bratwurst, you know, a lot of the neighboring businesses and owners of restaurants in the Village, in the downtown of Arlington Heights.

So, we're open, we're talking, we're trying to be creative because, yes, we would like to have some kind of, but we do not have any kitchen or room for a kitchen but would partner with others. There's also Uber Eats which since we started this project way back in 2014 is now very popular, and things of that nature that we would be welcoming to our patrons. We will be putting up a curtain in the front for the garage door and will be working with the Health Department on what we need to do in order to adhere to regulations and all that.

COMMISSIONER SIGALOS: Okay, thank you. I don't have any other questions at this point.

ACTING CHAIRPERSON WARSKOW: Any other Commissioners?

COMMISSIONER GREEN: Yes. Oh, go ahead. Go ahead, Joe.

COMMISSIONER LORENZINI: Okay, thank you, Bruce.

So, Kathleen, what are your projected sales on-site and off-site through restaurants and bars or something like that?

MS. EGAN: Oh, for distribution?

COMMISSIONER LORENZINI: Yes.

MS. EGAN: Well, yes, that's a whole separate part of the business. So, we have to have a distribution company that does that. We cannot from the brewery take beer out of our brewery through the tax and trade. You have to have a distribution company to do that.

COMMISSIONER LORENZINI: Okay.

MS. EGAN: So, yes, we'll see how that goes. We need to make enough to serve the taproom first, that's still got our own priority, and then we'd love to do that. Then again also to do anything community related, we always want to make sure we have enough product for that.

COMMISSIONER LORENZINI: How many employees do you expect to have?

MS. EGAN: With the outdoors open and the indoors inside, I would imagine it would be about four to five bartenders. Again, as we add on this layer, counting people and making sure, that's going to add some staffing we felt after we saw that, just to make sure that when people go, people come, who's messaging to people for our capacity and things like that. It can't just be the bartender and the wait staff.

COMMISSIONER LORENZINI: Okay, your beers, what percentages of alcohol, what range of alcohol percentages --

MS. EGAN: They go up from a 4 ABV all the way up to an 8 or a 9. Those are sold in smaller glasses, smaller ounces like, so if you're going to get something of a higher capacity, your ounces are generally smaller.

COMMISSIONER LORENZINI: So, I think this is an exciting project. I know of other projects or other facilities like this that are quite successful.

But Sam, I've got a couple of questions. So, you know, the Village, we in the past have given certain businesses a hard time about being a bar. You know, you've got to be a restaurant serving food. What is the difference between this and a bar? Is it because they brew on site?

MR. HUBBARD: Well, yes. There were specific regulations passed by the Village Board in 2018 that allowed, you know, basically a taproom or a bar, provided that it was in conjunction with beer that was actually brewed on site. So, that's the reason they don't have to have food while serving alcohol.

COMMISSIONER LORENZINI: The Knights of Columbus, while I know they're probably grandfathered in, they've been around so long, is their liquor license and their zoning very different from what we're doing here?

MR. HUBBARD: I don't know about their liquor license classification. I know relative to zoning, they did receive approval I believe in 2005 to allow their facility as it exists today.

COMMISSIONER LORENZINI: Okay, all right. The 50 percent variation, what is the logic behind allowing that? Not that I'm against it, but what is the logic behind giving that variation for retail space?

MR. HUBBARD: For the 35 percent maximum limitation? So, basically, when the Village Board established the regulations for allowing breweries to have a taproom, they capped the maximum size of that taproom to either 35 percent if it was in a business or commercial zoning district, and then if it was in a manufacturing district, it was 10 percent of the overall floor area. The reason those limitations were there were I think to avoid, you know, having a large percentage of the facility used for consumption where it would actually be more of a bar that just happened to brew beer on the site. I think they wanted it to be more of a brewery with an auxiliary component for alcohol consumption.

Then of course there are also concerns with the parking. The more you open it up to the general public coming to, you know, consume beer, you know, there's



going to be more parking demand. Traditionally, where these facilities are allowed in the M-2 district, those M-2 sites don't have much on-site parking. So, that's why they set that limitation for the 10 percent.

COMMISSIONER LORENZINI: Right. So, what's the logic for allowing the 50 percent, increase to 50 percent?

MR. HUBBARD: What's their justification?

COMMISSIONER LORENZINI: Yes, well --

MR. HUBBARD: Well, let's see. So, you know, we believe it meets the code standards for approval provided that there is this cap on the, the restrictions on usage of the outdoor area. I mean, it's the same process for approval of a use that is not allowed, if it meets certain standards it can be approved. So, the 50 percent isn't allowed, but we believe it meets the standards for approval provided that there is this cap on, or the restriction on outdoor usage.

COMMISSIONER LORENZINI: Okay, one final question. Their parking lot to the south of this other company, whose lot is that?

MR. HUBBARD: This parking lot? Oh, I believe it's under private ownership, I'm not a 100 percent sure. I know it was part of the site for the Hickory-Kensington Apartments. It was going to be, it's that piece of land on the north side of that site where the extension of Campbell would have gone through. The Village was potentially going to acquire that site, although I don't believe it's under Village ownership at this time. But I could be mistaken on that.

COMMISSIONER LORENZINI: Okay. All right, thank you.

ACTING CHAIRPERSON WARSKOW: Commissioner Green?

COMMISSIONER GREEN: Yes, I have a question, just a couple of things. In the downtown, the bar if you will on the second floor, what is that, anyone? I can't --

COMMISSIONER ENNES: Metropolis.

COMMISSIONER GREEN: Yes, Metropolis, okay, on the second floor. Is that, what is the, I mean, they don't serve food there either. Sam, what is the percentage let's say of the floor area where they serve drinks of the total plan? In other words -- go ahead.

MR. HUBBARD: I believe they've got a land use variation to allow their use without a formal on-site kitchen.

COMMISSIONER GREEN: Right.

MR. HUBBARD: Part of the justification, I believe if I'm recalling correctly, is that they had established relationships with all of the neighboring restaurants. So, they actually did provide certain food service, it just wasn't prepared at that facility. So, I mean, a 100 percent of that facility is devoted, you know, more or less to consumption.

COMMISSIONER GREEN: Okay, so, yes, in other words, the whole spot, they have food brought in, and I would assume if you wanted to, sitting in the, and I'll ask Mrs. Egan, can you bring, can you order food into your establishment? In other words, if somebody wanted a pizza?

MS. EGAN: Absolutely, yes. We're familiar with the Arlington Ale House. We have looked at that --

COMMISSIONER GREEN: It would be a similar situation, okay, a similar situation is if your 50 percent --

MS. EGAN: Well, yes, similar, yes. We were brought there as well but we

were informed that we had to have a kitchen in that area. So, that was a deal breaker for us for that area. Then we were aware that there was an evolution to allow them to have the area without food. But same thing, we will be welcoming local businesses, encouraging food on site, people ordering as needed.

COMMISSIONER GREEN: Okay, great, thank you. My next question has to do with parking and the Knights of Columbus. I could remember that, and Sam, maybe you can answer this one, how big of a building is that? In other words, I know it's a large space, I've been in there, and I'm just curious, so how does that compare to this Arlington Beer Company next door?

MR. HUBBARD: I don't have that information at the tip of my fingers. Offhand, I don't know the size of that facility in comparison. I mean, the size of the property is almost identical, the building is pretty much on the entire property.

COMMISSIONER GREEN: Okay, and again, they have a 100 percent capacity to serve alcohol. Now, is there any restriction, just to be clear, on the occupancy or the number of people in that place other than let's say a Fire Code restriction?

MR. HUBBARD: Not that I'm aware of, no, it would only be by the Building Code.

COMMISSIONER GREEN: Okay, so there's no restriction then. Parking seems to be as the parking is. Okay, all right, no more questions from me.

COMMISSIONER LORENZINI: Bruce, Bruce, I can maybe add something to that. I belong to a club and we rent out that space once in a while. We've had close to 80 or more people for dinner in that place; in the Knight of Columbus.

COMMISSIONER GREEN: Okay, I knew it's pretty big inside, I've been in there. I just don't remember, that's all. Okay, thank you, Joe. Thank you.

ACTING CHAIRPERSON WARSKOW: Any other Commissioners have questions or comments?

COMMISSIONER CHERWIN: I do, briefly. This is Jay. Really quick, Sam, on the, I just want to make sure, you know. The Petitioner has talked about both the occupancy and the consumption limits. We don't really have the consumption limits, that's just set by the liquor license, we really don't have any, my understanding is we don't really have any jurisdiction there or ability to adjust that given the type of use that this is. Is that correct or am I misunderstanding that?

MR. HUBBARD: Correct, it's through a different section of the code relative to liquor licenses. So, yes, there's no authority here for that condition.

COMMISSIONER CHERWIN: Yes. Yes, I mean, my biggest concern here, I like the project, I think it's good. I haven't, you know, well, I guess we'll hear what these neighbors have to say. I just don't want to hamstring the success of this. I think these are the kind of projects that when we talk about inviting kind of in this part of the neighborhood, in this part of Arlington Heights, I think this is a good project for, you know, a good project for it. If we always, you know, get hamstrung by I guess on-site parking, it sounds like you have to make some changes.

But, you know, I look at the streets, I mean, there's a lot of spots in those streets, and so I really, I don't want to overburden them, you know. This parking deal with the Park District seems good but, you know, if that falls apart and then this occupancy drops, my concern is that, you know, they're not going to be viable. I mean, I'd never make that choice but,

you know, ultimately, whether that makes sense for them, they'd have to decide.

I guess my question is if at the end of the day a lot of people are coming from the neighborhood and people are sharing rides, are the parking counts that we're requiring, are they really, you know, are we overburdening them? So, my concern would be our requirements on one, and then I guess the requirements on two would be other than, I think Bruce may have been touching on this, you know, I mean, they're going to have occupancy requirements by the Fire Code anyway that every other business has to adhere to. Putting another burden on them to hire somebody else to count people coming in and going out, you know, in addition to what they already have to do with managing consumption, to me it seems like a bit of an over-regulatory type of environment on a relatively new business. I've been to a lot of places like this and I'm just not sure that it warrants all of these, you know, restrictions that we're putting on.

That's my concern, but I'll let the folks talk, thanks.

ACTING CHAIRPERSON WARSKOW: Last call for Commissioner comments before we open it up to the public. Anybody?

(No response.)

ACTING CHAIRPERSON WARSKOW: All right, Sam, do you want to see how many people we have who want to speak on this petition?

MR. HUBBARD: Sure.

Yes, if you would like to speak on this matter, could you please click the Raise Hand feature in Zoom and I will add you to the queue. If you called in from a phone, you can dial \*9 and it will raise your hand for me and I'll add you to the queue that way.

So, that being said, I'm going to bring in our first member of the public to make a comment. I believe we have, I'm trying to bring in -- okay, there we go.

We have Melissa Cayer. You are now in the meeting. Do you have a public comment?

### **QUESTIONS FROM AUDIENCE**

MS. CAYER: Yes. The chronology of events to date, that wasn't accurate. Can you correct that and make sure it's accurate?

MR. HUBBARD: Okay, thanks for your comment.

ACTING CHAIRPERSON WARSKOW: Melissa, can you please spell your name for the public record?

MS. CAYER: Melissa, M-e-l-i-s-s-a, Cayer, C-a-y-e-r. For the chronology of events, what were the dates? It wasn't last year, it was, you know, many years ago that they came to the Village Board. We're showing they came for a preliminary Village Board meeting on March of 2020? It was a lot earlier than, many years ago before that.

MR. HUBBARD: Yes. So, the way that public comment should work is you make the comment, and then once your comment is done, if the Plan Commission would like to address the comment to Staff, they certainly can. Or after all public comment is done, they may address the question to Staff. So, was your question about more detail on the chronology of the previous public hearings that was provided?

MS. CAYER: Yes, it's inaccurate, and it's way inaccurate. So, if they're making any decisions, they need to know that, you know, that's inaccurate.

ACTING CHAIRPERSON WARSKOW: Sam, do you want to speak to that in terms of what you have in your presentation?

MR. HUBBARD: Sure.

Yes, so from all the information that I have, there was that error in the presentation. Let's see, let me go back here.

All right, can everybody see the presentation?

COMMISSIONER GREEN: Not yet.

ACTING CHAIRPERSON WARSKOW: Not yet.

MR. HUBBARD: All right, let me go on here. Okay?

COMMISSIONER GREEN: There we go.

MR. HUBBARD: So, yes, the original petition was received in 2014. They did appear at the Plat and Subdivision Committee in 2014. In 2019, they did have their neighborhood meeting. Also in 2019, they did appear in front of the Village Board for an early review. I am noting that it says here 2021, but I did note when I made the presentation that it was 2019. Then in 2020, they did appear in front of the Design Commission. So, I believe those dates to be accurate.

MS. CAYER: I don't think March 18th was a Monday though in 2020.

MR. HUBBARD: That was 2019.

COMMISSIONER ENNES: The Village Board --

MR. HUBBARD: The Village Board meeting in 2019.

MS. CAYER: So, March 18th of 2019?

MR. HUBBARD: Yes.

MS. CAYER: All right, if you say so.

ACTING CHAIRPERSON WARSKOW: Okay, do you have anything? No further comments from Melissa?

MS. CAYER: No, thank you.

ACTING CHAIRPERSON WARSKOW: All right, next public comment, can you bring that person in? If the next public commenter could please spell their name for the public record before making their comment, it would be appreciated.

MR. HUBBARD: Okay, Margaret, I do see that you're in the panelist side of Zoom. You can unmute yourself, and if you would give your name and spell it for the public record and then provide your comment?

MS. SERIO: Hi, my name is Margaret, M-a-r-g-a-r-e-t, my last name is Serio, S-e-r-i-o. I'm sorry, what else did you need?

ACTING CHAIRPERSON WARSKOW: That's it.

MR. HUBBARD: Yes, the public comment.

MS. SERIO: My public comment? I was wondering if I can ask Ms. Egan a few questions. What percentage of your other establishments come from Uber? Because it would seem to me, especially with craft brewery where people are spending significant amounts of money on one beer, that people probably tend to think of Uber. Also, what percentage of people typically come and walk? So, this parking would seem to be less important based on your other businesses that you already have.

ACTING CHAIRPERSON WARSKOW: You want to address that? You're on mute.

MS. EGAN: Sorry about that. So, yes, Uber is very popular and lots of

people use Uber. Again, if you're drinking heavy beer or drinking, period, you should consider Uber, you know, instead of driving, especially if you're going to be wanting to spend time with friends and have long periods of time in an area where you're drinking. So, Uber is very popular. Lots of the people use Uber, lots of young professionals. Even people my age now are all into Uber.

Then we are walkable from a lot of areas in Arlington Heights. In Itasca, we're walkable. People use Uber as well frequently. So, I wouldn't, I mean, I don't know the percentage off-hand to be frank, but I do know that it is commonly used.

ACTING CHAIRPERSON WARSKOW: Thank you. Any other comment, Margaret? No? Okay, moving on to the next public speaker? Again, if you could say and then spell your name, that would be helpful for the public record.

MR. HUBBARD: So, I see we have Michelle Madaras here. If you'd like to give your name and comment?

MS. MADARAS: Hi, there. My name is Michelle Madaras. That's M-i-c-h-e-l-l-e, last name Madaras, M-a-d-a-r-a-s. I just wanted to bring up a couple of things that I have heard you touch on today.

I think for us, when we go out, we happen to have a lot of family that lives in the area, and so, you know, I often invite my sister, and then it's her husband. So, before you know it, there are like 10 of us. We have children, and we've gone several times, we've walked to Beer on the Wall because we're from the community. So, we take the kids, we take the baskets, we push them, and I think you're underestimating that. Like Beer on the Wall, every time I've been there, I see families of like at least five people, and they're often there with another family.

So, in terms of numbers, I think you should also think about it in terms of, yes, I might have two children with me and my friends that I'm there with may also have two children. So, just be conscious of that. Obviously, with kids involved, we're going there to socialize and then have a beer with other, you know, parents. So, I don't think the clientele that you're pinpointing, I don't necessarily think you're targeting the right age groups and you're thinking of the right age groups. When you say bar, I think it's very different from, conceptually like it's not going to be a bunch of like young 21-year-olds like, you know, slamming shots. It's like young families that want to go and have a nice drink after dinner.

So, our objective would be, you know, we're going to go out there, we're going to go out there as a family, and then we'll probably go and frequent a nearby business afterwards. So, you know, business begets business, and I think to make the downtown more walkable and to expand that footprint into other areas of Arlington, I think that would only create a more vibrant community that's enticing more walkers to walk further down the thoroughfare.

ACTING CHAIRPERSON WARSKOW: Thank you.

We have one more, Sam?

MR. HUBBARD: Okay, it looks like we have 15 North Hickory in the panelist side. If you would like to unmute yourself and provide your name and give your public comment?

MR. CORDELL: Madam Chair, Commissioners, my name is Raymond Cordell, R-a-y-m-o-n-d C-o-r-d-e-l-l. I am the president of the 15 North Hickory Corporation. We are the owners of the building at 15 North Hickory.

Our main purpose is to provide a location for the Knights of Columbus to meet. That's what we're there for. That's what we've been there for over 60 years. We are very much in favor of any improvements made to the neighborhood. We've been there a long time, and we're always happy to see improvements.

Our biggest concern, obviously, since this whole project started was the parking issues. Our membership of the Knights of Columbus, the majority of which qualify for the senior discount at McDonald's, so we are, you know, very much concerned that they won't be able to get to our meetings. We hold 48 meetings a year of the various groups, along with we also host the Clearbrook dances for the folks at Clearbrook, obviously they can't walk very far, and as many of you are aware, our Fish Fries during the Lenten season.

So, our concern has always been with parking. Hearing the plans that Ms. Egan has laid out and Mr. Hubbard concerning how they're going to deal with parking eases some of our trepidations as far as having places for our members to be able to park during our meetings. I just wanted to make sure that that will be kept in consideration for Ms. Egan, you know, that when we are having our meetings, our members cannot walk very far. So, we're hoping there will be allowances made so there will be parking for our events.

ACTING CHAIRPERSON WARSKOW: Okay, thank you.

Any last attendees who would like to speak before I close the public commentary?

MR. HUBBARD: I see a few people called in on the phone. Again, if you dialed in on the phone and you want to make a public comment, just dial \*9; otherwise, if you're in Zoom, please raise your hand.

I don't see any hands. Going once, going twice, okay.

ACTING CHAIRPERSON WARSKOW: All right, so closing the public comment, and back to discussion amongst the Commissioners.

Does anybody, any of the Commissioners have any additional comments or questions?

COMMISSIONER CHERWIN: Well, this is Jay. Just one more time on the exception number one for the approval, I shouldn't say exception, condition. You know, I guess my concern would be if we're just tying this to the Park District, Sam, is there any top, like you know, if we put this situation like in hand with the Park District, I just feel like that might be a little unfair. Is there any way we could, or that Staff would be amenable to something, you know, say from Park District or a similar space anywhere like within a three-block radius or something? That way they have options, you know, if Mariano's or, you know, the parking lot behind them opens up, they're not just tied to the Park District. Is that something that Staff has considered?

Just so you know, I mean, I think the Park District is the best spot for it, but if the Park District decides that they don't want to do it anymore, I don't want the business to be left without an option.

MR. HUBBARD: Yes, I mean, if the Park District does not want to renew the lease, or the Petitioner doesn't want to renew the lease with the Park District, they could certainly find a substantially similar arrangement somewhere else. The way that the condition is written, it would give the Village Board authority to determine if whatever, you know, alternative agreement they provide is acceptable to the Village Board, it gives the Village Board that authority. You know, that's our recommendation from a Staff perspective.

I think there's still a lot of unknowns as far as, you know, how this

area is going to redevelop and the demand that's going to be experienced three years from now or more. So, you know, that's why we recommended that the Village Board have that authority to approve any alternative agreement.

COMMISSIONER CHERWIN: Okay, well, I guess I'm pretty comfortable if we have some flexibility if it doesn't work out with them so they could find an alternative arrangement. I guess if it goes to the Village Board, then, you know, I guess that's an option. So, that's all.

ACTING CHAIRPERSON WARSKOW: Commissioner Ennes?

COMMISSIONER GREEN: I have a comment. Oh, go ahead.

COMMISSIONER ENNES: I have one other question for Ms. Egan.

Do you have your lease with the Park District yet? Is that signed?

MS. EGAN: Well, we haven't signed it. So, it's been approved by the board. The only reason that we're not signing this, we don't have dates. So, I have to have contingencies, right? That I have to pass this.

COMMISSIONER ENNES: Right.

MS. EGAN: If I pass this, if I pass the Board, et cetera.

COMMISSIONER ENNES: Is there a provision in there that the Park District could give you a certain amount of notice, three months, six months, if they're not going to renew it for you?

MS. EGAN: Oh, yes, yes. I mean, they were ready to write it in perpetuity. We just wanted to see how it went. Again, it's not, you know, over the top expensive, it's not cheap. B, I have to pay and I have some, you know, other things to go with it.

COMMISSIONER ENNES: Sure.

MS. EGAN: So, I just want to make sure, we both want to make sure that it's reasonable. They've been fabulous to work with.

COMMISSIONER ENNES: Okay. Okay, so you would probably have time to work out something and find some alternative spot.

MS. EGAN: Right. Both of our fear is that we'll never use the spot in three years that I'm paying for --

COMMISSIONER ENNES: Yes, but hopefully you will.

MS. EGAN: -- one spot there, but I've allocated \$20,000, you know what I mean? It's like --

COMMISSIONER ENNES: I think you'll see you'll get a lot of walking traffic and a lot of Uber traffic with your type of business there.

MS. EGAN: Yes.

COMMISSIONER ENNES: Okay, that's all I have.

ACTING CHAIRPERSON WARSKOW: Bruce, you have a question?

COMMISSIONER GREEN: My question is, I'm just going to throw it out there. We don't seem to restrict anybody else as far as capacity, you know, client capacity. I just wonder why we're doing it here. These are public streets and they can be used by the public. Nobody really has dibs on parking spaces on a public street.

So, I guess I'm still kind of questioning whether we should put any kind of restriction on how many people come into this establishment. We have a Fire Code restriction which overrides everything, and if you, in the past we don't put restrictions because we think we know how the business is going to be. In other words, if you go to this place and there's

no place to park, you won't go there. So, either you'll find another way to get there or you just won't go there at all.

So, to restrict parking and the amount of people in there because of the parking over at the Park District to me is something, it's sort of new. You know, why should we do that to this establishment? Is it because they're the new kid on the block? So, again, these are public streets and first come first served. If there's no restriction anywhere else, I maybe think we should not restrict them, and I'm just throwing it out there to see if anybody else agrees with that.

COMMISSIONER CHERWIN: I would agree with that, Bruce.

COMMISSIONER JENSEN: I would, too.

COMMISSIONER ENNES: Bruce, I understand where you're coming from, but one of my concerns would be that if this facility is extremely popular and so many cars end up parked on that street all the way down to the high-end townhomes at the north end of the street, are we going to create a problem? Are we going to create a problem for some of the existing businesses that don't have this?

I think we had a similar situation over near Arlington Lakes Golf Course, west on Central. There's a restaurant, long-time established restaurant with all senior clientele. Right next to it moved in a very popular Italian restaurant that brought in a lot of traffic. According to some of the complaints that came out of the older, more established restaurant, their customers who come in later, they couldn't find parking and they ended up going out of business.

I don't know that that has anything to do with it, but do we want to ignore the potential impact to existing businesses and neighbors?

COMMISSIONER GREEN: Well, it might be that we're just, we don't really know how things are going to go. To speculate at the expense of this new business I think is, you know, I just don't know how to, we usually don't restrict things like this. We like to see a business do well and to be very, very popular.

You know, I just don't, saying that one business is more, we like better than another business, I mean, they should be able to compete for parking spaces, compete for, you know, business from the downtown, whatever. It's competition. So, again, these are public streets and nobody owns the public streets except the public. They're open to everybody.

So, to say that, you know, just because a certain group has been there for a long time doesn't mean they have dibs on those spots. That's just the one I keep coming back to is nobody else is restricted and yet we're going to do it here. Yet we're trying to encourage more businesses into the downtown area and then we restrict them on what they can do and how profitable they can be and what their potential is. I just don't think we should do that.

I just, the more I think about it, I think it should be, you know, you work with your neighbors in trying to be good neighbors. If you can work with the nearby businesses and try to coordinate schedule like, you know, if you have an event planned next door and you have an event planned in your business, try to work together to say, okay, I'll do it another day or to do something to cooperate, to encourage people to cooperate. I guess cooperation is the term here.

But I would really like to just, again, I'd like to take a little survey. Who would like to lift the restriction other than, a couple of you guys went along with that but,



you know, is that something we should even consider?

COMMISSIONER LORENZINI: Well, Bruce, let me just, I'm not disagreeing with you, you know, since this is a free market. Public streets are public streets, but look at all the hoops we jump through with downtown development. All the local businesses are complaining there's no parking there, and we made the developer of that empty block put up a six-story parking garage so there's more parking. So, I'm not saying the street isn't open for everybody, but certainly we've gone through a lot of the issues and gone around and around trying to satisfy the existing homeowners and businesses in Downtown Arlington Heights. So, it's not like we're setting a precedent here.

COMMISSIONER GREEN: No, but Joe, you know, the zoning says that you have to self park, and that's just how that is. This is an old business, nobody has parking, nobody.

COMMISSIONER ENNES: Right.

COMMISSIONER GREEN: So, it's a grandfathered thing that, let's face it, if they tried to do that today it would never fly.

COMMISSIONER ENNES: Right. We don't have buildings like that, without parking.

COMMISSIONER GREEN: We wouldn't have buildings like that, and we even talked about it. I remember this specific thing coming up before the Plan Commission and the Plat and Sub, and we talked about this at length. For instance, when we did the overlay zone, if the M-2 building like the lumber yard, if it was to burn down, could they build it back as an M-2? The answer was yes, it's grandfathered in, yes, but you couldn't build it to the old substandard way. You could build it as an M-2 but you would follow today's code.

So, we had this crazy thing that, you know, if something like that was to happen it would change everything. They would have to provide parking. It could still be M-2 but you'd have to come up to today's code. So, if these buildings were to burn down, they would come back and they'd have to provide parking and that would be the end of it right there. Not that I'm advocating burn the business down, but the point here is that it's an odd, odd neighborhood, that block.

COMMISSIONER ENNES: It is.

COMMISSIONER GREEN: Two blocks, it just is odd. We would never do it today. So, I'm asking why are we restricting one person and not another?

COMMISSIONER ENNES: It's nice to say streets are public and they belong to the people, but that's not the case in Downtown Arlington Heights anymore around the restaurants. They're all blocked off. Nobody can park in those streets. So, they don't really belong to the public. We can have changes that work within a specific neighborhood.

COMMISSIONER GREEN: Okay.

COMMISSIONER ENNES: I mean, if I was to think about it --

COMMISSIONER GREEN: I don't know what the argument here, Terry, is it's just that I'm thinking about parking, and if I want to go to this brewery or if I want to go to the Knights of Columbus or I want to go to the lumber yard, I should be able to park there and nobody should tell me that I can't.

COMMISSIONER ENNES: Nobody is telling you you can't.

COMMISSIONER CHERWIN: Well, I think that comparisons to downtown is tough because that's such a unique situation. I mean, we have to look at it as it is. I mean,

there is a lot of parking along Douglas, I mean, I spend a ton of time at Rec between baseball and soccer. There's a lot of cars parked up and down those streets on Saturday, you know, with soccer and baseball games. So, it's not like they're not used to seeing and having a lot of cars there. This would just be I guess a higher utilization of those streets for longer hours and for different businesses.

I think they're mostly offsetting. I mean, you have some night baseball games over there at night but not a ton. You know, there's, even without the parking lot of the Park District, you have a lot of spaces along Douglas all the way from, you know, Legion Hall is which again may use off-street parking entirely or almost entirely all the way up to Kensington or whatever it is.

So, I just, I agree with Bruce. That's kind of where I was headed initially. I was trying to resolve whether this limitation would be viable but, you know, the more I think about it, I agree with Bruce. I just, I think we're putting this unofficial cap on this. We already have Fire Code occupancies, and you know, the streets are there and there's public parking available. I find it hard to think that it's fair at this point given some of the other uses around there that we're not putting this restriction on them.

That's kind of what I felt on it. So, Bruce, I'd be with you to remove, I think what you're suggesting is removing one and two.

COMMISSIONER GREEN: I don't have the sheet here, but I think that's correct.

COMMISSIONER LORENZINI: I guess my only point is we're not breaking ground here. We're just, what Sam is doing and what the Planning Department is doing is really just following the procedures like we follow with most developments.

COMMISSIONER ENNES: How do we enforce other parking limitations based on our zoning? You know, if we're going to approve this property that has no parking spots, and Sam, it would require how many?

COMMISSIONER CHERWIN: We already are, Terry, we are going down to zero parking spots on-site. That's the only way to make this site work; otherwise, we can't have businesses like this.

COMMISSIONER ENNES: I understand, but with this type of property with the zoning that it has, it should require how many parking spots, Sam?

MR. HUBBARD: 60.

COMMISSIONER ENNES: How many?

MR. HUBBARD: 60, 6-0.

COMMISSIONER ENNES: 60, and they have between the combination of on-street parking and the lease with the Park District, they're getting up there, but if we have another property that comes in, a strip shopping center, and we tell them they need 50 parking spots and they only have 30, how do we tell them they can't do that?

COMMISSIONER CHERWIN: Well, that's the whole point of having a Plan Commission is we have to look at everything.

COMMISSIONER GREEN: Yes, exactly.

COMMISSIONER CHERWIN: On a, you know, site by site basis and what the circumstances are for that particular business. That's what we're doing here. It's a very unique situation. There's no precedent being set here. This neighborhood is carved out for how long, and the only way to make it viable and to turn it around is to make certain exceptions like

this. I think that's what Bruce is saying.

COMMISSIONER GREEN: Yes, this is an existing building. If he was building a new building, a new brewery, he'd have to have the parking and it would go away because the space is not big enough. So, that's the point is that this is an existing oddball thing. If you restrict him, why not go up and down the block and restrict everybody and get some kind of unity that way? In other words, you get 30 and you get 30 and you get 30 or whatever, however that works.

COMMISSIONER ENNES: And we might do that if they come in and ask for a variance to do something with their property, but we don't just go into properties and do that.

COMMISSIONER GREEN: I understand that, but I can remember that the Knights of Columbus, for instance, they came in for something and this was okayed because it was, you know, the term grandfathered, which there really is no legal term of grandfathered by the way, so it's just, it was an accommodation. I get it, everybody gets its, because they're public streets. That was the argument that they made at the time. That was years ago, I remember this. There was a fire there or something, it had something to do with something that they came back in, but I had no problem with it, I didn't want to restrict them because they don't have any parking.

It's just that I'm floating an idea here and if it takes, fine, if not, fine. I'm not bending anybody's arm to do anything here. I'm just asking the question.

COMMISSIONER ENNES: No, I understand where you're coming from, and I'm just expressing another opinion.

COMMISSIONER GREEN: I get it, I get it.

COMMISSIONER ENNES: Sam, and if we find out maybe a year or two years, can the Petitioner come back in and say, look, we're finding out 90 percent of our traffic, of our customers are coming from Uber and walking to our business and we'd like to change it?

MR. HUBBARD: Yes, absolutely. It would have to go through a public hearing process, but I think you're hitting on one of the reasons why Staff had such a hard time getting behind the variation for 60 spaces is that, you know, typically when you're requesting a variation to provide no on-site parking, you're going to need to provide loads and loads of data that shows to the Village that there's plenty of capacity on the streets. The burden of proof is on the Petitioner. We just haven't seen it for a variety of reasons, the Corona virus, the time of the season when, you know, Petitioner was needing to move forward and doing parking surveys.

But, you know, absolutely, they could come back two years from now and say, you know, we'd like to petition the city to allow us to go up to, you know, full capacity as based on the Building Code because we're showing you that we haven't had the parking impact that you fear we would.

ACTING CHAIRPERSON WARSKOW: What about going the other way? Because we go the other way for many, many cases, that we will let you have this; if we discover there is a problem, then you have to come up with a solution to rectify the problem, which she could then sign the contract with the Park District as opposed to paying in the meantime and finding out she doesn't need that parking. Why can't we just flip it?

COMMISSIONER SIGALOS: I agree with you, Mary Jo. Why not just flip it? I agree with everything that Bruce said, so why would we restrict this business at this point in time they're just starting? We'll see how it goes. If there's a problem, then you can push back at

that time then.

MR. HUBBARD: It's extremely difficult to get a business owner to provide, you know, address a concern after they've already opened up for business and paid for the site and put in, you know, all the improvements to their business. You don't really have a means to get them to satisfactorily address a parking issue at that time because they're already in and operating. It's just --

ACTING CHAIRPERSON WARSKOW: Then why do we do this for others when, you know, you can have this but if there's a problem then we're going to come back? I mean, that would be the same situation for everybody else, and why are we applying a rule to her that we're not applying to others?

MR. HUBBARD: In what sense I guess?

ACTING CHAIRPERSON WARSKOW: I can think of, you know, Dunkin' Donuts where if it backs up onto the street, then, you know, you're going to have to change things with your drive-through. We do this type of, if your noise exceeds, then you're going to have to put in certain sound buffering. So, we do this with other petitions. I just think we should do this in that case.

COMMISSIONER GREEN: If it's any help, the five star hotel with the banquet facility attached was probably the most convoluted parking solution that I think we've ever come up with. That had parking across the street and parking over here and parking over here --

COMMISSIONER JENSEN: True.

COMMISSIONER GREEN: -- and that was really a piece of work when it was all done.

COMMISSIONER ENNES: It was, and we limited their use, too. They weren't able to open that top bar to the outside public if there was a parking issue. So, there have been situations where we have limited use.

COMMISSIONER GREEN: Whatever, I'm just, you know.

COMMISSIONER ENNES: Yes, but Ms. Egan, we all hope your business is a total success. It's just we don't want to create a problem later on if there is, and yet there's a way to resolve it if there is.

MS. EGAN: Completely understood. Like I said, this isn't my first village.

COMMISSIONER ENNES: Go-around.

MS. EGAN: I will say it's the first time that the onus has been on me as a business owner, I'm going to be honest. It seems to be more, the other two villages or three, they worked it out for the owner. So, I'm doing the best I can. I spent a lot of days and a lot of hours and a lot of contacts trying to create parking, and the only one that I could come up with was the Park District, which was at Sam's suggestion which was great.

COMMISSIONER JENSEN: Well, I guess the question is why don't we require other entities to do the same thing? Why are the Knights of Columbus not required to have parking spaces and an agreement signed with the Park District or somebody else, or anyone else up and down that street? Are we doing it just because they are the most recent business to come on to the street?

I think that's the essence of what Bruce's comment is. We're not treating everybody equally, basically, because they're the last entity in, we're making them incur a cost that they may not need to incur. So, I tend to agree with Mary Jo, her formulation of it in

the sense that we ought to see if there's a problem because we make people incur cost. When we get through it, I'm going to suggest something a little different in number two as well.

But, you know, I don't believe in basically causing entities to incur costs that they may never need to incur which will actually impair their ability to meet their financial objective. So, I have a problem, as do some of the other people, with this, with what we're doing in number one.

COMMISSIONER LORENZINI: Well, I think the agreement that, you know, the Village, that Sam came up with is a good one, and I think we've given a lot of leeway as to the amount of parking needed. You know, we've raked people over the coals for not having enough trees at the end of the parking lot or having one or two spaces short. Here we're talking about 10, 20, 30 spaces short, but we worked with them and we're willing to live with what was agreed upon with the Village, the Planning Department and Kathleen.

I think we gave them a lot to go on. I mean, I understand everybody's point about not limiting them, but we do it to everybody else to some extent and some to a much greater extent I believe.

ACTING CHAIRPERSON WARSKOW: Do we want to have further discussion? I think everybody's minds kind of know where they're at.

Does someone want to make a motion one way or another and do it based on vote?

COMMISSIONER ENNES: I will make the motion.

Bruce, were you just going to start?

COMMISSIONER GREEN: No, no, no. I was going to say I don't have a motion sheet.

COMMISSIONER ENNES: I do, for Arlington Beer Company.

**A motion to recommend to the Village Board of Trustees approval of PC #14-023, a Land Use Variation for Arlington Beer Company, to allow a brewery with a retail portion at 50% of the total floor area, and the following variations:**

- 1. Chapter 28, Section 6.12-1.3, to waive the requirement for a traffic and parking analysis from a qualified professional engineer.**
- 2. Chapter 28, Section 10.4, to reduce the required on-site parking from 60 spaces to zero spaces.**
- 3. Chapter 28, Section 6.13-3b, to allow a seven-foot tall open fence with an eight-foot tall decorative gate and a 12-foot tall decorative element in a side yard, a 12-foot tall solid fence in the rear yard, and a seven-foot tall solid fence in a rear yard (rear fence/gate and dumpster enclosure), all proposed where the maximum permitted fence height is six feet tall.**
- 4. Chapter 28, Section 6.5-6, to allow the proposed exterior chimney on the rear accessory building to be 17 feet where code limits the maximum height of accessory structures to 15 feet.**

**This approval shall be subject to the following conditions:**

1. **Occupancy for the entire subject property (indoor plus outdoor areas) shall not exceed 87 people, provided that the Petitioner has an active agreement with the Park District for 26 parking spaces within the recreation park parking lot. Should this agreement expire, the Petitioner must restrict maximum occupancy to no more than 50 persons, or provide a substantially similar solution to the parking deficit for review and approval by the Village Board.**
2. **The Petitioner must put into place a system to manage occupancy and have an accurate occupancy count at all times. Such measures shall be approved by Village Staff. If upon inspection by the Village, there are multiple repeated violations to the maximum occupancy, the Village may pursue any and all legal remedies, including possible closure, revocation of the liquor license, or other actions as deemed appropriate by the Village.**
3. **The Village reserves the right to add future restrictions on usage of the outdoor area should it be determined this area is a nuisance, which shall be at the discretion of the Village. Such restrictions include, but are not limited to, restrictions on the hours of operation and maximum number of occupants.**
4. **No live events shall be allowed within the outdoor area.**
5. **Compliance with the March 10, 2020 Design Commission motion shall be required.**
6. **The Petitioner shall comply with all federal, state, and village codes, regulations, and policies.**

ACTING CHAIRPERSON WARSKOW: Is there a second to that motion?

COMMISSIONER LORENZINI: I'll second it.

COMMISSIONER JENSEN: Well, usually we all have discussion. I didn't realize we were at this point because I'd like to suggest something to two. I didn't realize we were, and usually we --

ACTING CHAIRPERSON WARSKOW: Well, we have to make a motion one way or another.

COMMISSIONER JENSEN: No, after you make the motion and second, then you ask is there discussion.

ACTING CHAIRPERSON WARSKOW: Okay, okay.

COMMISSIONER JENSEN: And there is some discussion. I don't know why, but in the same vein that we were doing with number one, I don't know why we need to require them to have a system which may be costly because it may involve other people and so forth. I don't know why we can't simply say the Petitioner must manage occupancy and have an accurate occupant count at all times. Then go down to if upon inspection by the Village there are multiple repeated violations to the maximum occupancy, the Village may pursue and so forth to the rest of it. I don't know why we need to formally require them to have a system which to me suggests, as I think Ms. Egan said, they might need to hire another person to be able to manage this.

So, I would give them a little latitude and not require a system, but still require them to manage the occupancy.

COMMISSIONER GREEN: Sam, I have a question about procedure. If we vote this down, can we make another recommendation?

COMMISSIONER ENNES: We have a motion and a second though. Don't

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we have to vote on it?

COMMISSIONER GREEN: We will. I just want to know what the procedure is. Terry, hang on a minute, I have a question.

COMMISSIONER ENNES: Okay.

MR. HUBBARD: I mean, I believe that we should vote on this motion. If that motion is approved or denied, you know, if the motion is denied, then somebody can make a different motion for a different recommendation, but I feel like we should vote on this motion. If it passes, then it passes. If not, then somebody can make a different motion. If a motion for denial is made and that's passed, unless the motion maker wants to make a second motion after it's already been voted on to reconsider, then they can, and then you could reconsider. But, yes, I don't think that you're --

COMMISSIONER JENSEN: I believe you have another option. The other option at this point, usually after you've had the motion made and a second, you can have discussion as we have started to have. You can also make amendments and have them accepted or not accepted. So, rather than reject this whole thing and then make a whole new thing, Bruce, I would suggest that you or Jay, and Jay is pretty good at doing it, if you have an amendment you want to make to one of the provisions, then I would suggest you do it that way rather than rejecting the entire motion and then having to posit another. So, I think you could accomplish it by making amendments to some parts of this.

MR. HUBBARD: Yes, you could. You could make an amendment to the motion.

COMMISSIONER GREEN: Jay, if you would like to make that? I just don't have a motion sheet in front of me, and you are very good at that.

COMMISSIONER CHERWIN: Well, I think we have to vote on this first all the way through and then have a second motion for an amendment and then take that all the way through. Sam, is that correct?

MR. HUBBARD: So, the amendment would need to be done by the motion maker. So, if there is an amendment to this motion, then Commissioner Ennes would need to propose that amendment because he was the one that originally made the motion.

COMMISSIONER ENNES: But we can have the discussion after the vote and see if we make an amendment.

MR. HUBBARD: If you want to take a straw poll before the vote goes, you can take a straw poll and ask who would support the motion and who wouldn't. That way we don't have to make it official and then have a motion to reconsider afterwards if it's --

COMMISSIONER ENNES: Okay, so Mary Jo, are you going to recognize Jay for discussion?

ACTING CHAIRPERSON WARSKOW: Yes. Yes, if someone wants to request a straw poll?

COMMISSIONER CHERWIN: Well, I think, okay, so this is Jay. The way I would see this and I think what Bruce is getting at is the straw poll would be who would support a motion very similar to this but dropping conditions one and two.

Can we take a straw poll on that?

COMMISSIONER LORENZINI: Can we do the straw poll one at a time? Can we do the straw poll for one and then a straw poll for two separately?

COMMISSIONER ENNES: I think that would be better.

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COMMISSIONER CHERWIN: Sure, that would be fine. Yes.

COMMISSIONER GREEN: What is number one? I can't find my motion sheet. What is number one?

COMMISSIONER ENNES: Let me read condition number one.

COMMISSIONER GREEN: Okay.

COMMISSIONER ENNES: Occupancy for the entire subject property (indoor plus outdoor areas) shall not exceed 87 people, provided that the Petitioner has an active agreement with the Park District for 26 parking spaces within the recreation park parking lot. Should this agreement expire, the Petitioner must restrict maximum occupancy to no more than 50 persons, or provide a substantially similar solution to the parking deficit for review and approval by the Village Board. So, that gives them the option to work it out.

COMMISSIONER CHERWIN: It's same as page eight of the Staff report, Bruce, the items one through six, if you have that.

MR. HUBBARD: I'm also going to bring in our Village Counsel, Hart Passman, if you have any questions on the procedural, you know, proper procedures. He's well versed in that. More so than me.

MR. PASSMAN: Thank you, Sam.

ACTING CHAIRPERSON WARSKOW: Thank you for joining us.

MR. PASSMAN: Thank you. Thank you, Sam.

Good evening, everybody. I'm Hart Passman, I'm the Village Attorney. I'm here tonight for one of your other matters, but I've been listening in and hearing a very good and robust discussion. I am available to help out with the procedural questions if you'd like.

There are a lot of different ways you can take this, Madam Chair. I would say you do right now have a motion on the floor to recommend approval with all six of the Staff recommended conditions. There's a lot of different ways you could take that from here. You could entertain a vote on that motion. You could entertain further discussion. I can kind of walk you through any way the Commission wants to go.

One thing I did want to say at a minimum is that if this motion is turned down at whatever point, then there is still, this is a question I think that Commissioner Green asked, there would still be the ability to have a different motion made on the floor. Until there is a motion to either approve this in some fashion or recommend denial in some fashion, then the matter remains on the floor for you to act.

I guess I'll probably stop there, and I'm here to answer any questions you may have and to walk through whatever procedures that the Commission decides to go with.

COMMISSIONER JENSEN: Mr. Passman, I'd like to ask a question of clarification of a point Sam made. Does the initial proposer of the motion have to be the one who offers the amendment? Can't other people offer an amendment if it's voted up or down?

MR. PASSMAN: Commissioner Jensen, either one is possible. The way we typically see this done in municipalities around the area we represent, if the motion maker and the seconder agree to change their motion themselves, then that can become the motion because it's their motion. But someone else could offer, and I don't mean this in a bad way, but there could be a 'hostile' amendment. Someone else could move to amend the original motion. You would vote on the amendment, and then depending on how that went, that would



then change the original motion or it wouldn't.

It gets a little complicated. I think the straw poll --

COMMISSIONER JENSEN: Well, that's the way I, in all of the proceedings I've ever been involved in, you could have another person other than the person making the motion advance an amendment that could be voted up or down --

MR. PASSMAN: Absolutely. That is correct as a matter of procedural --

COMMISSIONER JENSEN: -- because Terry is never going to accept that amendment.

COMMISSIONER ENNES: Well, that's not true.

ACTING CHAIRPERSON WARSKOW: In terms of a straw poll, I mean, how is that --

COMMISSIONER ENNES: If we take a straw poll and then the majority of us are leaning that way.

ACTING CHAIRPERSON WARSKOW: How does that procedurally go? Do I call the straw poll? Does Sam make a voice vote?

MR. PASSMAN: Madam Chair, you can ask for that and perhaps that will indicate to your Commission whether it's appropriate to vote on Commissioner Ennes' original motion, or if there's a different motion that would have to be made. Whether that original motion is withdrawn or amended or voted on and denied, there's a lot of different ways to get to the end point. They don't all have to be clunky. But we can walk you through however it is, they can be clunky, but we'll get you there.

ACTING CHAIRPERSON WARSKOW: Okay, well, I'd like to call for a straw poll to find out how many are in agreement with the motion as it stands now.

MR. PASSMAN: This is not the official vote. This will be kind of a show of hands on the motion to recommend approval with all six of Staff's conditions.

COMMISSIONER ENNES: So, I'm the only one.

ACTING CHAIRPERSON WARSKOW: Okay, so let's take one-by-one. Can I do a straw poll with who will be in favor with condition one removed?

COMMISSIONER CHERWIN: This is Jay, I would be in favor of condition one being removed. Condition two as well.

COMMISSIONER ENNES: Let's do them one at a time.

ACTING CHAIRPERSON WARSKOW: One at a time.

COMMISSIONER CHERWIN: I'm sorry, I didn't do it one at a time, okay.

ACTING CHAIRPERSON WARSKOW: Right, right. Okay, so removal of condition one.

COMMISSIONER GREEN: This is Bruce. I would be in one removing number one.

ACTING CHAIRPERSON WARSKOW: Okay, I see raise of hands of myself, Bruce, John, Lynn, and Joe, and Jay.

COMMISSIONER CHERWIN: And Jay.

ACTING CHAIRPERSON WARSKOW: Okay, so I think we're basically in favor of removing condition number one. Removal of condition number two, can I take a straw poll? Raise your hand on removal of condition number two.

COMMISSIONER ENNES: I mean, if you withdraw one, you've pretty much got to do two.

ACTING CHAIRPERSON WARSKOW: Okay, so I think based on these votes, that the motion as it stands now would not pass to give the opportunity for Commissioner Ennes to make an amendment to his motion.

COMMISSIONER ENNES: I would propose the amendment to remove --

COMMISSIONER LORENZINI: Terry, Terry?

COMMISSIONER ENNES: Yes?

COMMISSIONER LORENZINI: Terry, before you go ahead, I'm sorry, Mary Jo, I made a mistake. I am not in favor of withdrawing one, but I do favor withdrawing two.

ACTING CHAIRPERSON WARSKOW: Okay.

COMMISSIONER JENSEN: It still carries.

ACTING CHAIRPERSON WARSKOW: I think we still have enough with the removal of one to go ahead with that. So, based on that straw poll, I believe we have enough votes for both removal of conditions one and two.

COMMISSIONER ENNES: I would make --

MR. PASSMAN: If I could, Commissioner Ennes, if I could make a suggestion, Madam Chair?

COMMISSIONER ENNES: Go ahead.

MR. PASSMAN: So, if you're in agreement with the consensus, you can withdraw your original motion and move to --

COMMISSIONER ENNES: Yes. I would move to withdraw the motion.

ACTING CHAIRPERSON WARSKOW: Does someone want to make --

COMMISSIONER JENSEN: Second. Seconded, yes.

ACTING CHAIRPERSON WARSKOW: Okay, sorry, seconded, yes.

Does someone want to make an alternative motion?

COMMISSIONER CHERWIN: So, Commissioner Ennes' motion has been withdrawn.

ACTING CHAIRPERSON WARSKOW: Correct.

COMMISSIONER CHERWIN: This is Jay. I will move.

**A motion to recommend to the Village Board of Trustees approval of PC #14-023, a Land Use Variation for Arlington Beer Company, to allow a brewery with a retail portion at 50% of the total floor area, and the following variations:**

1. Chapter 28, Section 6.12-1.3, to waive the requirement for a traffic and parking analysis from a qualified professional engineer.
2. Chapter 28, Section 10.4, to reduce the required on-site parking from 60 spaces to zero spaces.
3. Chapter 28, Section 6.13-3b, to allow a seven-foot tall open fence with an eight-foot tall decorative gate and a 12-foot tall decorative element in a side yard, a 12-foot tall solid fence in the rear yard, and a seven-foot tall solid fence in a rear yard (rear fence/gate and dumpster enclosure), all proposed where the maximum permitted fence height is six feet tall.

4. Chapter 28, Section 6.5-6, to allow the proposed exterior chimney on the rear accessory building to be 17 feet where code limits the maximum height of accessory structures to 15 feet.

This approval shall be subject to the following conditions:

1. The Village reserves the right to add future restrictions on usage of the outdoor area should it be determined this area is a nuisance, which shall be at the discretion of the Village. Such restrictions include, but are not limited to, restrictions on the hours of operation and maximum number of occupants.
2. No live events shall be allowed within the outdoor area.
3. Compliance with the March 10, 2020 Design Commission motion shall be required.
4. The Petitioner shall comply with all federal, state, and village codes, regulations, and policies.

ACTING CHAIRPERSON WARSKOW: Do I have a second?

COMMISSIONER GREEN: I would second that motion.

ACTING CHAIRPERSON WARSKOW: Okay, Sam, can you take roll call

vote, please?

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. HUBBARD: Commissioner Ennes.

COMMISSIONER ENNES: No, with comment.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes, with comment.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. HUBBARD: Chair Warskow.

ACTING CHAIRPERSON WARSKOW: Yes.

Okay, Commissioners Ennes and Lorenzini, you have comments?

COMMISSIONER ENNES: Yes.

My comment is that I think we are making a mistake by not taking Staff's direction in this regard, especially given the overlay for the future development in this area which is going to require a lot of new development, a lot of new parking. We are talking about a very small section of the neighborhood that's included in that overlay that does have a parking problem. That's it.

comment?

COMMISSIONER LORENZINI: Yes.

I also do not agree with removing condition one. Parking is such a

critical issue, a major issue to a lot of these projects. To just completely waive parking requirements that we pretty much hold everybody else to. I'm not in favor of that.

ACTING CHAIRPERSON WARSKOW: Okay, thank you.

So, Kathy, Ms. Egan, you have approval. Of course, we are just a recommendation body, so it does have to go to Village Board.

Sam, do you have a date that this will be brought to them?

MR. HUBBARD: I do not have a tentative date at this time, but Ms. Egan, I will reach out to you later this week and give you or offer a potential Village Board date.

ACTING CHAIRPERSON WARSKOW: Best of luck to you.

MS. EGAN: Thank you so much. Appreciate it.

ACTING CHAIRPERSON WARSKOW: Regardless of the parking, I think you have a lot of support here from the Commission, and I'm sure you will have similar support from the residents and general public.

MS. EGAN: Thank you so much.

COMMISSIONER ENNES: Good luck with the business.

MS. EGAN: Thank you.

(Chorus of good lucks.)

MS. EGAN: Thank you, appreciate your time.

(Whereupon, at 9:31 p.m., the public hearing on the above-mentioned petition was adjourned.)