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PLAN

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

COMMISSION

RE: ARLINGTON ALE HOUSE - 111 WEST CAMPBELL STREET, 3RD FLOOR
PC# 16-019, SPECIAL USE FOR RESTAURANT, LAND USE VARIATION

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Plan Commission Meeting taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, 3rd Floor Board Room, Arlington
Heights, Illinois on the 24th day of August, 2016 at the hour of 7:30 p.m.

MEMBERS PRESENT:

JOE LORENZINI, Chairman
LYNN JENSEN
MARY JO WARSKOW
TERRY ENNES
BRUCE GREEN
GEORGE DROST
SUSAN DAWSON
JOHN SIGALOS
JAY CHERWIN

ALSO PRESENT:

SAM HUBBARD, Development Planner

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CHAIRMAN LORENZINI: Okay, I'd like to call to order this meeting of the Plan Commission. Would you please all rise and say the pledge of allegiance with us?

(Pledge of allegiance.)

CHAIRMAN LORENZINI: Sam, roll call please.

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MR. HUBBARD: Commissioner Dawson.

COMMISSIONER DAWSON: Yes.

MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: Here.

MR. HUBBARD: Commissioner Ennes.

COMMISSIONER ENNES: Here.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Here.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Here.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Here.

MR. HUBBARD: Commissioner Warskow.

COMMISSIONER WARSKOW: Here.

MR. HUBBARD: Chairman Lorenzini.

CHAIRMAN LORENZINI: Here. The next item on the agenda is approval of meeting minutes from YMA Taekwondo & Krav Maga from August 10th, 2016. Any comments or approval recommendation?

COMMISSIONER GREEN: Motion for approval.

CHAIRMAN LORENZINI: Second?

COMMISSIONER SIGALOS: Second.

CHAIRMAN LORENZINI: All in favor?

(Chorus of ayes.)

CHAIRMAN LORENZINI: Opposed?

(No response.)

CHAIRMAN LORENZINI: Very good.

COMMISSIONER DROST: I wasn't there.

COMMISSIONER DAWSON: Yes, I was not present.

CHAIRMAN LORENZINI: Commissioners Drost and Dawson, all right. The next item on the agenda is the public hearing for Arlington Ale House, PC# 16-019. Sam, have all the proper notices been given?

MR. HUBBARD: They have.

CHAIRMAN LORENZINI: Is the Petitioner here?

MR. OLSON: We are.

CHAIRMAN LORENZINI: Would you please, anybody who is going to testify, would you please come forward and I'll swear you all in? Come up to the stand please. Please raise your right hand.

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(Witnesses sworn.)

CHAIRMAN LORENZINI: Thank you. Who's going to make the presentation? Would you please state your name, and spell it for the court reporter please?

MR. OLSON: My name is Len Olson, that's L-e-n, last name is Olson, O-l-s-o-n. I'm the project consultant.

CHAIRMAN LORENZINI: Okay, and sir, are you going to testify also?

MR. McCASKEY: My name is Kevin McCaskey.

CHAIRMAN LORENZINI: Would you spell the last name for us please?

MR. McCASKEY: McCaskey, M-c-C-a-s-k-e-y.

CHAIRMAN LORENZINI: Okay, very good. Has the Petitioner read all of the conditions given in the Staff report and do you agree to them?

MR. McCASKEY: Yes.

CHAIRMAN LORENZINI: Please give a brief overview of your project. Well, before we get started, there's quite a few people in attendance here. So, just to explain how this works, the Petitioner will explain his project. Sam will give the Staff report on the project. Each Commissioner will ask questions. Then we'll go to the public for questions and comments. Then we'll come back to us for final deliberation and a vote.

Okay, go ahead, sir.

MR. OLSON: Sounds good. For a summary of the project, that's what this presentation is about, to give a little bit of a wrap-up on how we started and where we're going.

CHAIRMAN LORENZINI: Just keep it to the project itself please.

MR. OLSON: It is. Okay, so when we started this, what we're looking for is to move forward with the project. It will make Arlington Heights proud. We're going to draw from the surrounding suburbs in providing great friendly atmosphere for the Arlington Heights residents to make what is here already better.

So, the ale house definition translates to drinking beer. The preferred translation in Great Britain and across Europe is the center of town life, a place to relax, refuel body and spirit, share news and be entertained. Our translation is basically a family environment for people to get together for conversation and food and to walk around and socialize.

We found this opportunity, it was an unused space, in agreement with the Village and its residents from what we've talked to and people we've talked to, wanted to develop this venue to complement again the Village of Arlington Heights. When we first saw it, our first impression was this is beautiful. It's a friendly space, it's got great atmosphere, has so many possibilities. People would want to be here, it would be more fun for Arlington Heights residents and another place in Downtown Arlington Heights for people to go to.

You guys can't see it but I did put a little floor plan up there but you probably see --

COMMISSIONER DAWSON: We can see it.

COMMISSIONER DROST: We can see it in our monitor here.

MR. OLSON: Okay, okay. So, this is a little floor plan of the area that we have. If you notice, we have this community meeting room where we're anticipating that we can do community meetings, we can have the comedy nights, we can have corporate training, even bingo. I like computer competitions, but a great revenue stream that will complement and not compete with the Metropolis Theater.

So, again we are basically offering atmosphere, a place for people to

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go to, another fun place. You know, games, we're going to have some food, we'll have food, entertainment with the theater. The games that we're looking at are, you know, family-oriented type games, some pool tables, family board games, shuffleboard table.

So, this is kind of, I tried to put a couple of pictures of the inside so you can get a feel for the atmosphere that's in here. So, it's got a lot of nice areas that just lends itself to congregate, and a lot of open spaces that's just overall friendly.

Again, a few more pictures here which I can hardly see, I hope everybody can see. You can't really appreciate it, I wish I would have made them bigger now so you could appreciate the space that's it's in now if you've never walked through this. There is a patio, right now it's a small patio. We'd like to expand that and work on that patio, whether it's this year, next year, wherever this kind of fits in.

We've been doing some research and talking with people and some neighbors and neighboring buildings in this area. If you get the idea, it's again built around this atmosphere where people are sitting and congregating and socializing. Even the furniture that we're thinking of putting up here, it's going to be that soft, comfortable group setting that you might have in your own backyard.

The food supplier processes, obviously we've given this a lot of thought and worked with a lot of people on this. It's a nice concept that we really think is going to work where the neighboring restaurant community is going to be supplying the food. A catering company who we've got in line is going to be for the larger events, the corporate events and the larger, however we want to use it when it comes in. The patrons are going to be ordering their own food.

So, our target audience, we're looking for the surrounding suburbs. We'd like to draw people in. The downtown residents, we got a lot of input from the residents that want to come to this. Corporate training and team-building accounts, we've got a corporate planner and she does a lot of these meetings where she brings people in, they have their team training, and then they go do their team build-outs, and a lot of community organizations in lending this auditorium. It's a great auditorium space, it seats about 125 people, and it's not only a great place to meet and everything but it's a great place for us to market.

Where we are right now, we think we've covered just about 99 percent of all the bases with the guidelines and with the Village and the questions that could be coming up. We do have a venue planning manager. We have a general manager identified. We don't have any people contractually hired yet, it's not where a little bit, we don't want to put the horse before the cart here. But we've more than just thought about it, we've acted on it and moved on it, so we're ready to get things into full gear and get started if we want to make our time commitments that we want to do.

So, the architect is selected. The construction firms, we're entertaining different proposals. We were kind of surprised at the wide range of prices. As far as the furniture, I just want to note that we're looking at furniture but we will be definitely looking at the guidelines and requirements of the furniture that goes in there so we have that.

So, the timeline, we'd like it as early as possible, depends on how far we take this build-out. But ideally, we're looking at before the end of the year to get this rolling and be open. So, on that point, we're open to questions.

MR. McCASKEY: We have two speakers.

MR. OLSON: Oh, we do have two speakers. Do you want our two speakers up now?

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MR. McCASKEY: They're going to make a quick comment if that's all right.

CHAIRMAN LORENZINI: Is it part of the presentation?

MR. McCASKEY: Yes, absolutely.

MR. OLSON: Yes, it is, yes.

CHAIRMAN LORENZINI: Then come up. State your name and spell your last name.

MR. KEEFE: Thank you. Hi everyone, I'm Joe Keefe, the last name is K-e-e-f-e. I'm executive director for our Metropolis Performing Arts Center in Downtown Arlington Heights, home of the hit show Ring of Fire which closes September 3rd, so get your tickets right away.

I've met with Kevin and his team half a dozen times and I've been continuously impressed with their vision, their plans, their dedication to this very important space. In my research regarding our own building, the very purpose of Metropolis was to attract a wide range of people to our downtown, spiraling positive economic impact throughout the shops, restaurants, events and attractions in the area. Arlington Ale House perfectly suits that mission.

Our theater is in its own powerful growth phase with patron attendance up more than 30 percent in the past 18 months, now about 35 percent. We view Arlington Ale House as a perfect complement to that growth. The ale house will attract thousands of potential new customers, and the demographic they are targeting is an unbelievably valuable patron base for us.

I fully support Kevin and his team in their efforts. Thanks for your time and consideration. I can also answer questions, too, just relative to the theater and the building and my experience in there and my experience with many of you as well. If that would be helpful, I'll just stay up here.

CHAIRMAN LORENZINI: Okay, thank you.

MR. KEEFE: Thank you.

CHAIRMAN LORENZINI: State your name and spell it please.

MR. ROGINSKI: This is Brian Roginski, R-o-g-i-n-s-k-i. I am the owner of Courtland's Garage, it's right on 1 North Vale here. I also think it's going to be, you know, it's a great place for the community and that it is building up a better place for Arlington Heights.

CHAIRMAN LORENZINI: Thank you. Anything else from your presentation?

MR. OLSON: That's it.

CHAIRMAN LORENZINI: Okay, why don't you just have a seat while Sam gives us his Staff presentation? Sam?

MR. HUBBARD: Good evening and thank you, Chairman Lorenzini. So, as you've heard, the Petitioner would like to establish the Arlington Ale House on the third floor of the Metropolis building in Downtown Arlington Heights. The building is part of the Metropolis Development PUD which also includes the condo building abutting to the west, the subject property which contains the theater, and the two-story commercial building to the east.

Relevant to this request is a recent amendment to the liquor code to create a new classification of liquor license eligible to restaurants located on the second floor and above in the Downtown B-5 Zoning District in which establishments must serve food but which food to be prepared offsite and delivered to the establishment. This is the liquor license that the Arlington Ale House is potentially targeting.

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So, the Applicant's request is for a special use permit to allow a restaurant. All restaurants in Arlington Heights require a special use permit approval if they're greater than 1,500 square feet. The Petitioner is also requesting a land use variation to allow a restaurant without a kitchen. As you've heard, the food will be delivered from neighboring establishments and brought up to the patrons within the Arlington Ale House. That's without a full kitchen and creates a need for this land use variation.

Additionally, due to the fact that the Applicant has indicated he would like to have up to 20 amusement devices, it classifies the use as a "Restaurant, Amusement Device Arcade." Just for clarification, these amusement devices are like ping-pong tables, the baggo courts, the pool tables and so forth. So, the classification as a "Restaurant, Amusement Device Arcade" does require a land use variation in the B-5 Zoning District.

Additionally, the Applicant has petitioned for a variation to waive the requirement for a traffic study prepared by a licensed traffic engineer. Staff is supportive of this request. We believe that the downtown area provides sufficient means for circulation for traffic.

I would like to point out that the Comprehensive Plan does designate this property as mixed use, and the proposed use is compliant with that classification.

I'd like to point out probably the most pressing issue related to this proposal, and that's the occupancy of the space. So, based on the information that Staff has to date, the building code would allow up to 597 individuals to occupy the space based on the uses as proposed on the inside and the exterior patio. However, based on the egress requirements as contained in the building code, only 313 occupants could safely exit the space in case of emergency. There are two interior stairways that would provide this egress. But given the amount of people that could potentially occupy the space compared to the amount of people that can safely exit the space, we do have some concerns that the space could become occupied without a means for all these occupants to safely exit in the case of an emergency.

So, the Applicant has shown the possibility of a connection to the neighboring Vail Avenue Garage located to the south, and this connection could provide for an additional means of safe egress. I say potentially because we don't know the feasibility of that at this time, we're not sure if it could even qualify as one of the required means of egress. But according to preliminary calculations, if this bridge was built, at least 625 individuals would have the ability to safely exit the space in case of emergency. So, this may ameliorate Staff's concerns on the occupancy, but again we don't know if this bridge connection is feasible. So, we have recommended a condition of approval that would require the Applicant to provide the Village with information in order to determine if this bridge is feasible and what impact it would have on the parking garage so that, you know, we can determine if it's something that the Village would even permit. As the owner of the garage, we would have the oversight and authority to allow something like that.

While we're talking about the garage, I'd also like to talk about parking. When the original Metropolis PUD was approved, a variation was granted to relieve the site of any onsite parking requirements. So, technically, the Applicant doesn't need to provide any onsite parking which is because the Metropolis building does not provide any onsite parking. But per our code, we would require 32 spaces based on the restaurant use proposed. Of course, this doesn't mean that people aren't going to park their cars in downtown and patronize the establishment.

So, we have analyzed the capacity of the Vail Avenue Garage to see if it could accommodate for the expected patrons of the Arlington Ale House. We sent our

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dedicated police officers on several days and evenings of surveys of the parking lot to count the available spaces at various times in the evening. Without getting into the minutia of the details there, they have verified that during the peak hours of operation for the, as will be expected for the Arlington Ale House, the garage certainly has adequate available capacity to accommodate for the expected number of customers for the ale house.

I would also point out that the Applicant has proposed an expansion to the exterior patio area. This expansion would be located on a common element of the Metropolis building, so it would require approval from the condo board of the Metropolis building. The Applicant has provided a conceptual rendering of how this patio would look but has not yet finalized plans for the exact furniture and orientation, amusement devices and so forth, that would be contained on this patio.

Any exterior patio is required to receive exterior café permit from the Village, and this exterior patio café is no exception. So, it would have to be approved through the Village for this type of permit. At that point, the Village could and has reserved the authority and oversight to regulate a lot of the elements on this patio such as the style of the furniture and the number of amusement devices, any sound or lighting, any screening and so forth. So, this is a condition of approval that Staff has recommended and is included in the report which would give the Village the authority to regulate these elements.

With regards to Metropolis Theater which is located just below the subject unit, we've also recommended a condition of approval that would require the Applicant to get certification from a sound engineer or acoustic consultant that verifies if the proposed exterior patio would have any detrimental noise impact onto the theater. Furthermore, if an impact is felt by the theater, this condition of approval would require the Applicant to add sound suppression elements that would eliminate the impact.

So, Staff is essentially asking the Plan Commission to evaluate this proposal on the suitability of a restaurant at this location. There are a lot of unknowns at this point, but oversight on these details such as the overall occupancy, the details of the exterior patio, the effects on the parking garage and the effects on the theater building below are conditions of approval to accommodate these elements and we believe that it gives the Villages the proper authority and oversight to understand and regulate them. Some of these would have to be determined prior to bringing this proposal before the Village Board for final approval, they would be determined before building permit could be issued for the space.

But that concludes my slide and request. We are supportive of the application subject to the conditions as listed in the Staff report. It's a complex project and it is a detailed Staff report. I probably wouldn't be able to summarize every aspect this evening without taking up a lot of time, but you know, I'd like to turn the floor back to you, Chairman, and happy to answer any questions.

CHAIRMAN LORENZINI: Thank you, Sam. Do we have a motion to accept the report?

COMMISSIONER DROST: I'll make that motion to accept the report.

CHAIRMAN LORENZINI: Second?

COMMISSIONER ENNES: I'll second it.

CHAIRMAN LORENZINI: All in favor?

(Chorus of ayes.)

CHAIRMAN LORENZINI: Thank you. Okay, Lynn, would you like to start?

COMMISSIONER JENSEN: Just a few general questions. I do have a few

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more but I'll just stay with the general questions. Do we have any examples anywhere of where this concept has worked successfully?

CHAIRMAN LORENZINI: Would you mind coming back up and answering the question, one of you?

MR. McCASKEY: It does work quite well in a lot of places. To be specific, I was just last week at Crystal Lake Brewery in Crystal Lake. It was right off the train. Unfortunately, I saw people from Arlington Heights there which surprised me, but they said they had a lot of fun, to actually get on the train in Arlington Heights to take it to Crystal Lake, hop off.

It's a family environment. I looked around, and what they do is they brought their own food in or had food delivered. There were menus all over on the tables. But when I looked around, I saw a lot of board games and it was a family atmosphere. Parents were playing Battleship or Candyland with their kids and it was a great time. A little bit of live music in the corner. I talked to management there, and they said it works great. They love it.

COMMISSIONER JENSEN: Well, I guess it didn't sound like that was a great example of where -- is there anything we could look at to see whether this concept would work? The reason I'm asking that is I think the logistics of this are quite complicated. Just to give you an example, if you have over a two-hour period three tables of four people come in 30 minutes apart or so, and three people from each of the tables order a separate meal from a different kind of restaurant, the question is how do you basically get all the food there at the right time and you get it there at the right temperature and fresh enough is one part of the question. The other is how are you going to handle the logistics of all of these people coming in from the three or four restaurants that are going to be providing services when you have different timeframes of people ordering.

I say all that because it's a complicated logistical challenge. So, that's why I began with the question do we have an example anywhere of where this has worked, where it's worked successfully for some period of time.

MR. McCASKEY: That's a great question. It does work, it will be complicated. There will be some variation. This is going to be something that's available with trial and error. We're looking at an unfortunate building that's been vacant ten years, and the reason why it has is not because of the price, it's because of the challenge. At this point, we're trying, we're accepting that challenge and I think we'll be successful. But there will be some bumps in the road, but I think people are going to know when they're going to order a pizza, the pizza might come at a certain time. If they're going to order burgers from around the corner or across the street, there will be a variation in time. But I'm working hand-in-hand with the neighboring restaurants and we definitely think this is something that's capable of doing.

COMMISSIONER JENSEN: I think the concept is good but you really don't know of any place that this has successfully worked before, is that what you're telling me?

MR. McCASKEY: Off the top of my head, no. But I do know there are various places that do do it, and I apologize for not having an example.

COMMISSIONER JENSEN: I do want to ask Sam to clarify one thing. If this entity didn't have some form of food, it would not be able to be established in Arlington Heights. Is that correct?

MR. HUBBARD: Correct. In fact, it would have to provide food at every single hour that it's open. So, even at 1:30 a.m. if it's open, it would have to provide it.

COMMISSIONER JENSEN: So, they need to have some, so the food is a

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very important part of this whole proposal even with the change in the liquor code.

Just a couple of other more general questions. You clearly had a good oral recommendation from the Courtland's Garage. Do you have any written expressions of interest or agreement from any other partner restaurants in the area? And have they suggested to you about how they might handle your business?

MR. McCASKEY: Absolutely. I spoke with Elegance Catering, and they are in the Metropolis building as well and he's more than excited. I don't like speaking for them. I wish I had something in writing that they could agree to or would agree to. But he's more than happy to work in the catering department for food venue. I spoke with Mago which is downstairs who is now expanding, and they are more than happy to work on a menu. We had even gotten to detail as far as what type of menu we're going to be working with, and we want to find a way that we can find a way that we can expedite food that's quality, that's going to be fresh and warm and easy for them to deliver and serve, and not get in the way of the work that he's doing. When I'm trying to order at 8:00 o'clock and he has a table at 8:00 o'clock in his restaurant, that it's not conflicting and we've found ways to do that.

COMMISSIONER JENSEN: So, you mentioned two. Are there going to be other restaurants in the area that you can name -- or maybe others that you talked with?

MR. McCASKEY: I spoke with Courtland's, they were here today. They're excited to work with me as well on the food venue. Armand's as well, I spoke with them, and they're excited to deliver all types of food as well.

COMMISSIONER JENSEN: Are you going to sell things at roughly the same price as the originating restaurant would or is it lower, the same, higher? What kind of prices do you have? It's going to have some extra labor involved in basically transporting the food.

MR. McCASKEY: It will be the same. Essentially, our customer will be ordering the food through menus that are provided, or many menus that we're going to create. They're going to place the order. Now, whether we do it upscale and do it through iPads and whatnot, I don't know how the Village will be responsive to that. They may want to just pick up their phone and dial. But they will be paying for the food from Mago or from Courtland's when it's delivered.

COMMISSIONER JENSEN: So, who bears the cost of the extra people needed to basically transport the food? Would that be the restaurant or you?

MR. McCASKEY: The restaurant will. The restaurant, they will be in control of food and food quality.

COMMISSIONER JENSEN: At this point, I don't really have any other questions, although after the Commissioners have asked their questions, later on I may have some more.

CHAIRMAN LORENZINI: Mary Jo?

COMMISSIONER WARSKOW: Yes. In the packet that I received, we were notified that there was to be a meeting held with the residents of the Metropolis Place Condos. We were going to get some write-up of that meeting, and I don't believe we got that write-up or any type of verbal presentation tonight. Can you tell me what happened at that meeting and some comments that were made by the residents?

MR. McCASKEY: Absolutely. We did follow up with a short reply after the meeting, and I did send that to the Village. I don't know if that transposed to this group.

It went well. I wish, I think, I'll be honest, I think there was a

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misunderstanding where the board was invited. I wish residents and renters were there as well. But I think once we realized that, the board members that were there who are here this evening could attest that I think it was a productive conversation that still needs a lot of work.

COMMISSIONER WARSKOW: Are there any particular issues that were raised by the board member that you can convey to us?

MR. McCASKEY: I think if I were to address two bullets, it would be, the first one would be garbage. I did walk the area and I do realize that the garbage is in the lower area between the two buildings of 1 South Highland and Metropolis. During the summer, depending on what garbage is in there, there can be smell that could come from there.

I think with the policy that we're trying to implement, we're not making food so we're not going to necessarily have food waste. I hope the people that eat the food finish their food or bring it home. So, I think what we're going to be doing is dealing with garbage.

I spoke with the Metropolis condo association, and it's community garbage. I am going to try my best to keep the garbage contained in that area and hopefully not make a change at all in what's going on now. I do not plan on expanding the garbage and making the garbage area bigger. I plan on working with our building, with what the existing structure is.

The second bullet which is obvious would be the noise from the patio. There is a concern as far as what's going to be out there and to what level. I live in Arlington Heights. I want to stay in Arlington Heights. So, I don't want to have the ale house with a lot of noise and walk to Jewel or Mariano's and get a stinky eye from someone because they weren't able to sleep or whatnot. So, I plan on working hand-in-hand with the board and residents if they wish to find something that everybody can enjoy.

COMMISSIONER WARSKOW: Okay, I appreciate that summary. Addressing the garbage, I think you're rather optimistic in your plan for no food waste. I don't see that happening, and I do have to comment that recycling was mentioned a number of times throughout the report. Any material that has been contaminated with food cannot be recycled as far as I understand, so it will be only garbage that you will be producing. I can imagine there will be quite a lot of it.

My other question is, in terms of the logistics is getting up and down to the third floor. That's the two elevators that are in the main lobby of Metropolis, right? That's how people get to and from the establishment, yes?

MR. McCASKEY: Correct.

COMMISSIONER WARSKOW: So, that elevator is going to be used by patrons of the establishment, by the food deliverers, and by Metropolis staff, and by students who attend the Metropolis school, correct?

MR. McCASKEY: Correct.

COMMISSIONER WARSKOW: Do you see there being a limitation there for the capacity for those two elevators to handle all that traffic? So, I don't know if there can be some study done there as to what the capability of those two elevators to handle all of that is, but that would be a concern of mine.

MR. McCASKEY: We addressed that as well. The food will be, probably if it's allowed, we'll be delivering the food via the stairs.

COMMISSIONER WARSKOW: Okay.

MR. McCASKEY: Fourth floor, when we are open, will not be open. So,

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there will be no need for anyone to use the elevator to go to the fourth floor. Metropolis patrons are on the first floor already as well as Mago's. So, the only people using the elevator would be the second floor and third floor. Generally, in the evening, the second floor will not be utilized.

COMMISSIONER WARSKOW: Boy, I hope you get some really fit people delivering that food because up and down three flights of stairs multiple times a night, that's a tall order. But I'm not saying it's not doable. Okay, those are my preliminary questions. I'll let some of the other Plan Commission members ask others.

CHAIRMAN LORENZINI: Terry?

COMMISSIONER ENNES: Sam, I have a question in regard to the liquor license where the amount of food that is served is tied to the liquor license. Is that going to be the case in this situation?

MR. HUBBARD: What do you mean by the amount of food?

COMMISSIONER ENNES: Dollar/volume, that they have to sell a certain percent, a certain percent of their overall revenue has to come from food?

MR. HUBBARD: I do not believe that was part of the liquor license.

COMMISSIONER ENNES: We do that with other establishments, do we not?

MR. HUBBARD: If it's a requirement within the liquor license, then absolutely the Petitioner would have to adhere to it, yes.

COMMISSIONER ENNES: If they're not doing any volume on the food, if the food is being sold directly by these other establishments, how can we control that? That would be a concern of mine, if you're not involved in any of the food transactions. Instead of coming from you, being billed from you, you're going to have outside vendors dropping off the food, collecting for the food. They're going to collect when they drop it off at the tables I guess?

MR. OLSON: We probably wouldn't have an accounting verification.

CHAIRMAN LORENZINI: Could you speak in the mic please so everybody can hear you?

MR. OLSON: We probably wouldn't have an accounting verification as it goes. We could sit there and do some estimates, but that's not really going to be there. So, as far as that requirement which we're really not familiar with at this point so we haven't given a lot of thought to that, the thought was given to us not acting as the middleman and processing the food for a number of reasons. Some of them were food handling license and some things like that that went along with that. We were providing the atmosphere and space. So, it was up to the patrons with our guidance and our help to order the food. We were working on the processes to get it to them in a timely manner. But this manner, it wouldn't mean that everybody at the table is going to get their food at the same time, nor is it even desired. So, it was looking for some place to sit and eat and order from a variety of different sources.

As far as the percentages of it, getting back to your question, you know, if it's, I mean you would know in approximately, let's say if it was 20 percent or something like that, we would know if we're 40 percent or 10 percent. But we wouldn't know if we're 20 or 21, if there is some variance in there, you know, without us being the middleman of the transaction.

COMMISSIONER ENNES: I don't obviously know the liquor license requirement but I know we have had a number of establishments in town that have had issues and problems with the percent of food, because Arlington Heights does not allow just bars or taverns to exist. There is a level of food required and it isn't small. We don't want people just to

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sell potato chips and say, oh, we sell food. So, that is an issue that I think needs to be addressed, although I don't know that it's really under our purview.

In regard to the patio, some things that I noticed that were of concern. I realize the patio portion of your proposal is really just a suggestion. How would that be controlled, Sam? Because obviously there's a lot of variables with that, the walkway, the fencing, how the fencing would be clear, if there's grass put out there, how is that drainage going to affect the building's drainage. What do we have in our conditions that will, would we require the whole patio project to come back for approval once these things are finalized?

MR. HUBBARD: Sure. Certainly, as I mentioned, any outdoor patio has to be approved through an outdoor café permit process. So, as part of that process, you know, we're going to look at screening, lighting, sound, furniture and so forth. That's regulated, that's one of the conditions. Furthermore, any addition to the roof such as the green roof portions that are proposed would be required to receive a building permit.

As part of that process, it has the common element of the Metropolis building with which the Village is, it's either a 49 or 51 percent member of that condo building, you know, we'd have the oversight in that sense to review any expansion onto the common area. As part of the building permit process, we're going to require certification from a structural engineer that would certify that this roof is capable of supporting any additional weight that's being proposed. As far as drainage, that's going to be contemplated during the permit process for any expansion onto the roof.

COMMISSIONER ENNES: So, am I correct to assume that the patio, the decking, that is not part of the approval process tonight? If we were to vote to approve this, that's not part of it, it's something they're going to have to come back in at a later date?

MR. HUBBARD: No, the expansion to the patio area is contemplated this evening, yes. They would not have to come back before the Plan Commission for that. It's part of the site plan that they're asking for approval.

COMMISSIONER ENNES: But there are so many variables, how can we approve that?

MR. HUBBARD: Well, there are a lot of variables and, you know, portions of that would have to be determined prior to moving forward to the Village Board. Other portions could be determined during the building permit process. But you know, there are a lot of unknowns.

COMMISSIONER ENNES: One other question. What are the planned hours of operation and days of the week that you would be open?

MR. McCASKEY: We did state them, I did send them to the Village. But generally speaking, I don't have it in front of me, but I would assume Monday through Friday, opening at 4:00 in the afternoon. Depending on, I've been walking the area and living in the area, there's a lot of times the downtown closes and becomes quite quiet at 10:00 or 11:00 during the week. So, we may close earlier than that. But on a Friday and Saturday, we would expect to be open earlier, say 12:00 o'clock noon, and stay open until 1:00 o'clock in the morning.

COMMISSIONER ENNES: On the patio, what kind of music, are you considering having bands out there? What's the plan?

MR. McCASKEY: That's a very good question. When we saw the property, we knew that in order to make it work, you would essentially need a kitchen. Food would need to be provided because people, young or old, when they drink they get hungry and they want to

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eat. If there's not food they're going to leave, and we don't want them to leave. I had numerous groups come in and tell me it just isn't financially feasible to put a kitchen on the third floor. There's really no proper way to vent it. Therefore, that's why really no one has come in there and opened up a business.

So, we're doing the food brought in. We're trying to incorporate a way to make money so this business can stay open. With that, with some sort of entertainment working with Metropolis and bringing people back and forth or doing family games, pool table, ping-pong, shuffleboard, board games. But one of my ideas when I was with the Village was to expand the patio, that was my envisionment of what I would want to do.

We went to HKM Architects and did some brainstorming of what would be a great idea and what other patios have worked. So, we did some drawings, we showed them to the Village. They didn't like them, we changed them a little more. This is by no means our final decision. This is something that I want to work hand-in-hand with 1 South Highland and I want their blessing. This is something I want to do in my life because I think it can be a challenge, I think it would be fun, and I think it would be good for Arlington Heights. The last thing I want to do is create something that gives myself, my family a bad reputation.

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

CHAIRMAN LORENZINI: Bruce?

COMMISSIONER GREEN: Maybe I can help you, Terry. When it comes to the patio, we're dealing with the zoning part of this, to have this. As far as the issues and what's going to hold it up and is it strong enough to be held up is just building code requirements. So, whatever it is, if we like the concept, I think we can vote for the concept. But the nuts and bolts of this go to the Building Department, you know, architecture plans. We shouldn't have to worry about the patio, you know, falling.

COMMISSIONER ENNES: But there's a lot more issues than just that.

COMMISSIONER GREEN: Oh, yes, sure. There's a lot of safety issues and everything else. Anyway, sitting on the Plat and Sub, I think it's a great concept. I think there's a lot of difficulty involved as Lynn mentioned here. I agree with that, it's going to be a tough thing to work out the logistics of it.

From what I'm hearing, I think that you are up for the challenge. So, I have no other comments. I want to hear what the audience have to say and then we'll come back.

CHAIRMAN LORENZINI: Thank you, Bruce. Jay?

COMMISSIONER CHERWIN: Yes, you know, I was also in that Plat and Subcommittee, and a lot of the initial questions were answered like Mr. Green said. Some of the issues that I had were going to be around the neighbors and neighboring properties. It sounds like you had some meetings. Certainly, you know, I feel like the garbage issue is certainly something that absolutely has to be addressed. But we should be able to find something, we're in downtown with all the restaurants and this is, whether third floor or somewhere else, there's a potential for it. So, I feel like there would be a solution out there to address it. You don't know maybe what it is right now but I just don't see that as something you can't address.

The noise, you know, we are again in the downtown area. We have other outdoor venues. So, I feel like again if we take the right precautions and do it properly, again this is something that we should be able to mitigate.

Mr. McCaskey mentioned, I don't think we talked a lot about it, but it probably is worth talking a bit. This space did you say has been open and vacant for ten years?

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Is that right around there or is that --

MR. McCASKEY: Sam, has it been about ten years?

MR. HUBBARD: About ten years, yes.

COMMISSIONER CHERWIN: So, I mean we are really talking about a space that, you know, there's not like a bunch of folks here trying to get into the space. There aren't a ton of alternatives. So, I actually think it is a pretty novel concept, not too off the wall but something a little bit different. I think it's, I guess I would applaud the Petitioner for thinking outside the box and trying to bring people from outside of the Village in, also helping I guess with synergy to the existing businesses and serving the community. So, I actually like the thinking outside the box. I think there's plenty of plans that are in the box that fail, and we can't control that. You know, these are a lot of variables and that's part of taking on a new business and taking risks in doing something new. There is a risk and, but that's, Mr. McCaskey and his group I'm sure are well aware of that, so that doesn't concern me.

I guess what I would ask is, you know, it seems like the space is already in a lot of ways geared towards this type of use with the existing build-out. So, I guess I'm looking at it from the risk. This type of use, although it requires several variations, if we can get to the point where, you know, especially about the structural issues, that would be one that we haven't really discussed, but if we're reusing or a more intense use of this roof is going to require structural engineering, you get that, it's going to require approval through the condo process, you get that. But I think, you know, conceptually, I'm comfortable with it. I would reserve judgment pending some of the comments from the public. But you know, I think overall it's a good project. It has a lot of variables that have to be addressed. But from a conceptual perspective, you know, I'm comfortable with it.

CHAIRMAN LORENZINI: John?

COMMISSIONER SIGALOS: Yes, I have a few questions. Will you be purchasing this space or leasing it?

MR. McCASKEY: I purchased it.

COMMISSIONER SIGALOS: Oh, you have already purchased it or in the process of purchasing?

MR. McCASKEY: Excuse me, we will be closing the first week of September.

COMMISSIONER SIGALOS: It's a very interesting concept and I'd certainly like to see this space, it's been vacant for ten years, brought to life with that. Just last week, my wife and I were in Long Grove at a wine bar with a very similar concept. I think it's called Broken Elements where they pair a limited menu from restaurants in the area and you order off of it, they bring it up and you pay them directly. But when we were there, everybody ordered the same thing, we all ordered a pizza for instance. So, the pizza, the restaurant delivered it and we paid for it. I'm not sure how this logistics is going to work if say somebody orders from Peggy Kinnane's, somebody orders from Courtland's, somebody orders from a different restaurant and then it all gets there at the same time. I mean that's logistics to be worked out but it seems pretty difficult.

MR. McCASKEY: That won't happen. Realistically they won't all come at the same time.

COMMISSIONER SIGALOS: They won't come at the same time?

MR. McCASKEY: No.

COMMISSIONER SIGALOS: To me that seems problematic when you're

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there and somebody starts eating, others are talking. If you had a table of four or six people or what have you --

COMMISSIONER CHERWIN: John? Maybe, so this is something, I think conceptually the way they're setting this up, it's not like a sit-down restaurant, correct?

MR. McCASKEY: Correct.

COMMISSIONER CHERWIN: I mean if you're not planning on people coming in as a group and kind of putting in everything else aside, sitting down and eat, they're going to be wandering around, playing ping-pong, doing shuffleboard. I think that may be, you know, worth a clarification. If I'm going there, I'm probably going there for several hours and I'm going there with some friends and maybe ordering from somewhere, maybe we do get different things. But I'm not, in this environment, maybe I'm watching TV as I'm playing pool, I'm not concerned about sitting down and having a sit-down meal. Is that accurate?

MR. McCASKEY: A hundred percent accurate. If you want a good Mexican meal, you go downstairs to Mago's. If you want to have three baby burritos or some quesadillas, you'll be upstairs and we'll have it delivered in a few minutes.

COMMISSIONER SIGALOS: The other question I have is in your report here, it says your times that you'll be open will be until 1:00 a.m. on Monday through Thursdays and Sundays, until 2:00 a.m. on Fridays and Saturdays. Now, if I understood correctly, you'd have to serve food at all times that your establishment is open. I don't think these restaurants are open that late, are they?

MR. McCASKEY: That's a great question, and yes, they are.

COMMISSIONER SIGALOS: At 2:00 a.m.?

MR. McCASKEY: Correct. It will be a limited menu. Between 6:00 and 10:00, you will have a wide variety of food. But just like anywhere in Arlington Heights, once it gets to be 11:00 or 12:00, at 1:00 in the morning, your options might be limited to pizza. It will be the same thing at the other restaurants in the same area. If I'm working with the restaurants in the area and they're serving alcohol, I will be able to acquire their food for our establishment.

COMMISSIONER SIGALOS: I didn't realize there are restaurants open until 2:00 a.m. I frequent the restaurants but earlier than that.

MR. OLSON: If it fits into their property and into their margins, these restaurants might stay open that extra hour or two hours to be able to provide food or coffee.

COMMISSIONER SIGALOS: The other concern I have is the outdoor patio, and the sound that's going to be generated, the lighting that's going to be generated and so forth, and the effect on the residents in the surrounding condominiums and apartments and so forth. I don't know how you're going to control that. The sketches that I've seen doesn't look like they have any sound attenuation out there.

I see you want to have a green roof, and I don't see, I'm assuming, and again this will be all determined by the Building Department, you may have to put a railing around the building at the roof level if you have some areas up there that may be accessible. I'm not sure, but I mean these are just thoughts I'm throwing out there that are concerns of mine.

MR. McCASKEY: No, I agree with you. I've got a daughter and I would want the same safety for her out there. I know the Village won't allow anything without strict guidelines.

As far as sound-deadening items, we are talking about doing foliage as well, trees, bushes and whatnot between the outdoor area and 1 South Highland. That's not in the drawings but we do have estimates on that. That's once again something we're going to

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be working with 1 South Highland for something that they would want.

COMMISSIONER SIGALOS: Okay, my last question is I was also at the Plat and Sub meeting, and at that meeting there was no mention of a bridge connection to the Vail Avenue parking garage. Is this strictly being contemplated for additional emergency exiting for the space?

MR. HUBBARD: No, I think it was part of the original concept. I think that it was kind of more like, you know, an idea of something that maybe he'd like to do. As the occupancy issues continued to flesh themselves out, it's become quite apparent that it's going to be necessary to do unless there are, you know, some limitations on use of the space or expansion of the patio. So, without that bridge extension, there will have to be additional restrictions placed on the use of the space.

COMMISSIONER SIGALOS: But that bridge will only be for emergency exiting and not entry?

MR. McCASKEY: Well, it would be used for entry as well. I think it would be something nice that would work with the downtown area. But if someone can park on the fourth or fifth floor which is open parking and they walk across the patio and then downstairs into Metropolis and go to the theater, it would be utilized by the building, not just the patio use for the ale house.

COMMISSIONER SIGALOS: That's all I have right now.

CHAIRMAN LORENZINI: Susan?

COMMISSIONER DAWSON: Well, so most of my questions have already been asked. I'm hearing, if you can't get approval for the patio, will you still open?

MR. McCASKEY: I bought the building, I have to.

COMMISSIONER DAWSON: I know, but I mean feasibility and financial setting in this concept, would you still open without the patio?

MR. McCASKEY: I would have to, I would give it a try. But quite honestly, there is going to need to be a draw for that establishment. It won't be our chef because we don't have one.

COMMISSIONER DAWSON: Yes, but it will be the setting. So, I'm very familiar with the setting.

MR. McCASKEY: It will be the setting. So, my point is if we can extend the patio, I think it would be a great addition for Arlington Heights and its residents. I think it has to be done properly. I think it has to be done aesthetically pleasing to, I keep saying 1 South Highland because it's really the only people in my opinion that are affected directly. I want them to be able to look out and see something nice, and I want them to be able to go to bed at 9:00 or 10:00 at night and be able to leave a window open and still be able to sleep.

COMMISSIONER DAWSON: Sure. So, I was curious about that because you're coming to us and you've left it looking, what I'm looking at, almost completely up to the condo association as to whether or not you're going to have a patio. So, usually, I mean that's the first condition, right? You don't get a patio unless they approve it?

MR. McCASKEY: Well, I do have a patio right now.

COMMISSIONER DAWSON: No, no, no, you can't expand the patio.

MR. McCASKEY: Correct.

COMMISSIONER DAWSON: The patio that's out there is very small.

MR. McCASKEY: Correct.

COMMISSIONER DAWSON: Correct. So, you can't expand it without the

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condo association approval. So, I was curious why you're coming now, why you haven't waited until you worked out many of these terms so that we are making the decisions, I mean I'm not overly concerned with many of them. Staff is very competent and they're going to be able to figure out, I can't figure out safety. I'm a lawyer, I can't do construction, right? I don't know, you know, the Staff can figure that out. I usually count on you guys up here for those things.

But usually we're approving and we're working with you, but you're putting all the power in their own hands as to whether or not you have an expansion. Are you familiar or are you understanding that?

MR. McCASKEY: Well, the true power comes from our condo building itself. I have to get approval from our condo building.

COMMISSIONER DAWSON: Okay.

MR. McCASKEY: It's my understanding that our condo building would like the blessing, as well as I agree with them, from 1 South Highland. So, instead of trying to shove something into the board or the residents facing it, this is what we're going to do, take it or leave it, I want to start from ground level. This is what we want to do, we're thinking this kind of trees. I had a great comment the other day about a fence. I said we were going to put a fence here, and they said, well, won't they cast a shadow when the sun is coming up in the east? Won't they cast a shadow on the building on the west side? No.

COMMISSIONER DAWSON: And that's fine.

MR. McCASKEY: That's a great point, and these are things I want to work with.

COMMISSIONER DAWSON: Okay, I'm just concerned you're not going to get your expanded patio under these terms. I appreciate the sentiment and where you're coming from, that if they're not on board with it you don't want it. But I am concerned about that.

So, in terms of the space itself, I'm very familiar with it. Back when it was open, I hosted on behalf of charitable organizations many events up there for fund raisers. It is the hands-down, no offense to Courtland that's here and any other facility, is the just most phenomenal space in town that most people don't even know is there. Any time anyone was out there, they would just think about, oh, if only this space could be open to the public, right? So, you're going to have a huge draw to that space just because it's a fabulous space.

I'm not concerned terribly about the food issue. I think you'll work it out, you'll figure it out. Again, logistically it sounds like it's a nightmare, but it's your nightmare, not mine. So, I don't have to worry about that.

I think people would definitely come. I mean as soon as I heard about it, you know, I was thrilled that it was going to open back up because I haven't been there in years. I'd love to go back. I believe lots of people would come and frequent the facility.

I'm familiar with the elevator issue because we would have events, they'd start at 7:00, everyone would arrive at 7:00, everyone had to get up the elevator. The school was still open. We had people coming up and own for our parties. So, I'm not overly concerned about that. You've got the Metropolis who seems to be on board.

The sound is going to be a big issue. I'm sure the residents are going to speak to that tonight. So, again I don't, and it's in their hands, they can talk all they want. But you don't get a patio, expanded patio if they don't approve it. So, if we approve it tonight, it's out of my hands. I go great idea, good luck with you and the condo board.

So, I think it's great. I'm excited about it. I'd love to have the space open again. I'd love, you know, commenting on the innovation, what you're coming up with is

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fabulous. It's like the reverse of a BYOB establishment, like bringing your own but you're kind of in control, you know. If I don't feel like going where my husband wants to go to eat, I could go there where we could each get what we want.

So, I'm very excited about it. I just, you know, I'm just curious that you might be rushing a bit. But it's your call.

CHAIRMAN LORENZINI: George?

COMMISSIONER DROST: Great idea. The devil is in the details, that's the essence of it. From a legal standpoint, I'm going to go back to my legal pad here, who is going to be the owner? Who is going to be the tenant? Who is going to be the operator of the establishment?

MR. McCASKEY: Kevin, Kevin, Kevin.

COMMISSIONER DROST: In what form, Kevin? Are you going to be an MBM LLC? Or is it Kevin, Kevin, Kevin?

MR. McCASKEY: Well, no, I own the property.

COMMISSIONER DROST: This is through your LLC?

MR. McCASKEY: Correct.

COMMISSIONER DROST: You're the owner, the principal unit member?

MR. McCASKEY: The sole owner.

COMMISSIONER DROST: Okay, and then you're going to lease it to another entity?

MR. McCASKEY: To myself.

COMMISSIONER DROST: As an individual or in another entity, another form?

MR. McCASKEY: It's just going to stay in tact. Legally, I will have to talk to my lawyers on how it will be done. But essentially I own the building.

COMMISSIONER DROST: I'm just wondering for the separation because, you know, I just want to get sort of a sense of --

MR. McCASKEY: I'm going to be the owner and manager.

COMMISSIONER DROST: Owner and manager.

COMMISSIONER DAWSON: There's a realty company, right? Are you buying it for your realty company? There's a realty company listed.

COMMISSIONER DROST: Well, there is one listed on the correspondence.

MR. McCASKEY: Absolutely. Well, what that is is it's a limited LLC and I've got multiple properties there, and this is one of the properties in that LLC.

COMMISSIONER DROST: One in a series of LLCs.

MR. McCASKEY: Correct.

COMMISSIONER DROST: Who is going to be the operator? Who will be actually doing the functions?

MR. McCASKEY: The day-to-day?

COMMISSIONER DROST: The day-to-day, ordering the ale, ordering the potato chips, dealing with Brian Roginski, or dealing with Derrick Hainley, dealing with any. You know, who is going to be doing that? Then how do you execute on that permit?

MR. McCASKEY: That's a great question. Unfortunately, we can't disclose that because the people we have in place for these jobs don't want to leave their jobs until this is approved.

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COMMISSIONER DROST: There is a plan, the devil is in the detail again.

MR. McCASKEY: Absolutely. It's a lot of work.

COMMISSIONER DROST: I'm just wondering because, you know, from the standpoint of getting to this issue of accountability, who is the person that's going to be running it? You're going to outsource some of these services, is that correct?

MR. McCASKEY: Absolutely.

COMMISSIONER DROST: Because that would probably give people confidence that, you know, well, the question was asked that you've never done this before. You don't have any examples. So, I'm a neighbor there and I'm just going to go here is the nuclear reactor, Kevin, fix it, work on it. Well, I haven't done it yet or I haven't done an operation yet, I haven't done a real estate closing yet, I haven't, you know. We want to get some sort of sense that you've got some depth to the team here.

MR. McCASKEY: I do have depth. I have a lot of money into it and a lot of time, so I want this to work, and being a resident. So, I'm going to hire the right people and put them in the right places.

COMMISSIONER DROST: So, you have that plan.

MR. McCASKEY: Absolutely.

COMMISSIONER DROST: You've got the outsourcing, because I think that would make me as your neighbor more confident, you know, in yes, I think it's a great idea. With Commissioner Dawson's point, it's a great space. Once you turn over the bushel basket, they will come. If you've got to execute, you've got to have a plan, and that's what I'm getting at, that you do have a plan and that those that will vote for it would have a sense of comfort in your ability to not only own it but to manage it and to do it in a way that's consistent with the rest of the other establishments in the community.

So, the point is, for you, Sam, what's the ratio that you're looking for or the Village is looking for, what we're looking for between the food and the liquor sales? Is there some way to monitor that where, oh, we can't get the food up, we can only get 10 percent of revenues coming from food, 90 percent from alcoholic beverages and potato chips?

MR. HUBBARD: Yes, I'm not sure if there is a specific ratio. If there is a ratio, that's spelled out in the liquor code. You know, he's subject to compliance with that.

COMMISSIONER DROST: But there would be a comfort, I know that we have, in our ordinances, have limited the amount of alcohol to be served, that we are a food community basically, and that the alcohol beverages are more or less ancillary to the establishment. But we'd like to get those volumes and sales revenues. So, that's an issue or that's a point that I'd like to kind of let out.

The other questions I've got, on the arcade devices, are there going to be any electronic devices? Or are they just going to be physical? You know, are you going to have machines there that punch buttons and you see lights go on? Or is this going to be just baggo and ping-pong?

MR. McCASKEY: No. Pinball machines?

COMMISSIONER DROST: Electronic arcade devices.

MR. McCASKEY: People don't know what those are, but I'd like to bring back some pinball machines.

COMMISSIONER DROST: Pinball machines. But then what we're looking at is these video games that, you know, sometimes come up for discussion before us and whether or not there's any contemplation of those kinds of entries into this space.

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MR. McCASKEY: As far as gaming meaning video games?

COMMISSIONER DROST: Gaming, games, yes.

MR. McCASKEY: Or gambling gaming?

COMMISSIONER DROST: Yes.

MR. McCASKEY: We would not be doing gambling gaming, no.

COMMISSIONER DROST: What's our ordinance on the video games?

We have not adopted an ordinance, but there was a time that there was some interest in expanding the gaming device that were, certain of the dumbed-down units that weren't technically gambling but they were sort of entry level into the electronic devices.

MR. HUBBARD: Sure. Yes, I'm not specific of what

the --

COMMISSIONER DROST: Yes, but that's a question that I think we're sure that you can address later if we're doing further research.

The question on the kitchen and none on the site, I think we've had a couple of examples that have been pretty successful. That was Big Shots. Does anybody remember that? Where they didn't have a kitchen, they have one now. Then to some extent, we've had a little bit of the same logistics at the Star Theater. Have you talked to those folks, how they serve at the theaters?

MR. McCASKEY: Not at this point, no.

COMMISSIONER DROST: Yes, I think that might be a good discussion for you to do. I think they've done a pretty good job and they would be a support for this petition. So, those are the only comments I have. I was waiting for Chairman Lorenzini to pipe in.

CHAIRMAN LORENZINI: Thank you, George. Market demographics, what age group are you looking at? What do you see the mix to be?

MR. McCASKEY: That's a very good question. They're all good questions actually, but during the day and afternoon, Saturday afternoon, I'd like to see families get together, hang out together, have fun. Probably just like a lot of other establishments in Downtown Arlington Heights, about 8:00 or 9:00 o'clock, the kids go home, the adults come out, and there's a small transition. But as far as the age demographics, my goal or my target would probably be 35-40 and up.

CHAIRMAN LORENZINI: I guess where I'm going with this, is there going to be like an age limit or cover charge? Just so it doesn't turn out to be a hangout place for whoever that you may not want hanging out there?

MR. McCASKEY: We don't plan on doing a cover charge, but we don't plan on having a problem with anyone in there as well. We're in a good community and I think we've done a real good job patrolling this community to keep it a good safe environment.

CHAIRMAN LORENZINI: Is there any other revenue generation other than beer sales?

MR. McCASKEY: Absolutely. We will be going into corporate events in this small area of the theater. We could be doing wine tasting seminars, educational seminars. We could be doing, neighboring condo buildings could do their board meetings there as well. But no, it would not be generating just from that. We'd be working with Metropolis, we're going to be doing small, something to complement the downstairs and doing small improv upstairs. At that point, we might charge a cover charge.

CHAIRMAN LORENZINI: Sam, has the liquor license been approved for this?

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MR. HUBBARD: No.

CHAIRMAN LORENZINI: No, and so, I think there's a lot of good questions that the Commissions have had and I've got the same questions as to do they meet the rule of the law for this liquor license. But that's ultimately up to the Mayor who is going to issue the license.

MR. HUBBARD: Correct.

CHAIRMAN LORENZINI: So, he'll determine whether or not you meet them all. I mean, you know, we've all got questions about it. I guess it's really his final say-so.

The other thing about the patio expansion, the noise and the sound and how it's going to be constructed and whatnot, usually when somebody comes before us, that's all generated and everything, we'd be at least looking at it. But what we're doing here is we're kind of, we're just going to approve the idea, and then ultimately the rest of the Village obviously will have to approve the final design of it.

MR. HUBBARD: That's what the Petitioner has proposed out of a conceptual plan, yes.

CHAIRMAN LORENZINI: Okay, and the food being ordered, you may have two or three restaurants or four that you could order from. But the logistics of that will still have to be worked out?

MR. McCASKEY: We're pretty good hand-in-hand with the existing neighbors right now to be working on menus as we speak as far as what would work best to expedite the food quick and fresh.

CHAIRMAN LORENZINI: I appreciate what you're saying about, you know, people eating their food or taking their home. I mean even if somebody eats all their food, there's still going to be some garbage left, right? There's still going to be a few plates or whatever. If people take things home, they're going to need doggy bags. Where are they going to get the doggy bags from?

MR. McCASKEY: That would be paper, so that could be provided in an area that they would grab and use themselves. But we also have to remember, this is an establishment on the third floor of Metropolis. Whatever goes there, whether it's a business, they're going to have garbage. Whether it's paper, whether it's restaurant material, it's going to be an issue and that's something that I will happily address.

CHAIRMAN LORENZINI: So, you'll take care of any cleanup then is what you're saying?

MR. McCASKEY: Yes.

CHAIRMAN LORENZINI: All right. I guess on the conditions about providing food service, again that goes back to the liquor license, but that's an issue that will have that requirement.

MR. HUBBARD: Correct.

CHAIRMAN LORENZINI: Now, also for the patio, you've got a tentative Metropolis condo board approval. Does that come from all the buildings on either side of you? So, anybody you would be affecting is part of this condo board?

MR. HUBBARD: No, it's just the Metropolis building which has the theater and the Mago's on the first floor, and then the --

CHAIRMAN LORENZINI: So, the Metropolis Place is not part of it?

MR. HUBBARD: That is not part of their condo association.

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CHAIRMAN LORENZINI: All right. So, if he gets the condo approval, it may not be, it doesn't give him the approval of Metropolis Place.

Okay, that's all I have. So, why don't we go to the public comments, questions next?

COMMISSIONER CHERWIN: Joe, could I ask one question real quick?

CHAIRMAN LORENZINI: Sure.

COMMISSIONER CHERWIN: I want to follow up on that. So, you had mentioned before, Commissioner Dawson had asked about condominium approval, so, Mr. McCaskey, you're purchasing, are you aware of the percentage interest in the condo that you would be acquiring with this?

MR. McCASKEY: Yes.

COMMISSIONER CHERWIN: What is that?

MR. McCASKEY: I believe 22 percent.

COMMISSIONER CHERWIN: Okay, and then the Village also owns in this condo how much?

MR. HUBBARD: I'm not sure of the specific percentage. I believe it's around 50 percent approximately.

COMMISSIONER CHERWIN: So, between the Village and Mr. McCaskey's acquisition, it would be in excess of 50 percent.

MR. HUBBARD: That's correct.

COMMISSIONER CHERWIN: Thank you.

CHAIRMAN LORENZINI: All right, let's go to the public questions and comments now. We'll start on this side of the room, my right, your left. Anybody in the first row have any questions? Next row? Anybody on that side of the room have a question, raise your hand. Yes, sir, come forward. Please state your name and spell it.

QUESTIONS FROM AUDIENCE

MR. SCHLAPIA: Hello, my name is David Schlapia, S-c-h-l-a-p-i-a. I'm a resident of the condo building and I saw them walking around yesterday, I was going to ask them for coffee, they were so close to me. I was like, I was very concerned, so when I saw the meeting, I'm like I need to come here.

One of the comments was they're open until 1:30. Now, if I remember right, isn't the outdoor area only open until 11:00-ish, is that correct?

MR. HUBBARD: Correct.

MR. SCHLAPIA: Okay, because that's obviously one of my extreme cautions there. I see the patio, I see the rendering, I see like the grass, but still I have a vision in my mind of them walking around close enough for me to have a conversation and see if they want coffee or whatever. I was, that was a little unnerving. I'm on the second floor and I'm looking up right into them. So, you know, whoever is on that patio has got front line access to my building, my condo.

So, I'm a little concerned, I'm very concerned obviously, I'm here. But the courtyard area right now is very soothing, it's quiet. The only thing it might have would be Mago's taking their garbage out or a snowblower, I don't want to use the S word, but we have

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that, and the garbage. The garbage, I understand the idea of the garbage and I'm not really thrilled with it but it will happen. I'm just really concerned about the noise and just the complete feeling of exposure that I'm going to have.

CHAIRMAN LORENZINI: Okay, thank you. Anybody else on this side of the room? Okay, let's go to my left, your right side of the room. Anybody in the first row? Second row? Third row? Yes, ma'am, come. Please state your name and spell it.

MS. HARP: I'm Laurie Harp, spell the last name H-a-r-p. I would like to comment to the Petitioner that there are many buildings in the downtown area, it's not just 1 South Highland. I moved downtown 16 years ago, I'm one of the first residents in the Vail building. I'm one of George's neighbors.

Whatever happens downtown affects all of us, whether it's our little private parking lot that people use as a street to cut through from Campbell to the Jewel, the noise affects us. I don't even have to go to Harmony Park, I can sit on my balcony, I face west, and I can hear the concert great. So, whatever they do over there is going to affect Chestnut, Campbell, Vail, Highland, Wing, it affects all of us. I think the parking is going to be ridiculous.

I agree with Commissioner Dawson. I've been in that space, it's a fabulous space and I would like to see it utilized.

The other thing that I haven't heard commented, and maybe it's not in your purview, is signage. I don't know how they're going to let people know they're there. But if there isn't great signage, I've been a part of the Metropolis board, the first Metropolis board many years ago, and we've always had a problem with identifying our facility and letting people know that we were there. I know they're on the third floor and I'm hoping that that's not something that's going to be in a window, because again we're very close down there and it's going to affect all of us.

So, again I wish them luck, but I do think there are some major issues that haven't really been thought through. Thank you.

CHAIRMAN LORENZINI: Thank you. Anybody else in this, yes, sir, come forward. State your name and spell it please.

MR. BURRAGE: Yes, good evening. I'm Dave Burrage, the last name is spelled B-u-r-r-a-g-e, rhymes with courage.

So, I am a resident of 1 South Highland, so that's the Metropolis Place. I also represent the board of our building as president. We have had to date just mainly one meeting with Kevin, and it's very positive actually. I think we're very excited about the possibilities for this space. It is a fantastic area and we do look forward to seeing some of this developed.

The existing patio area, as you know, has been vacant for about ten years and it has become somewhat of an eyesore. So, we welcome some of the changes that he's talking about to potentially make this a much more visibly appealing area.

As has been pointed out before, you know, one of the concerns we of course have as residents, particularly those of us on the east side of the building, you know, would be the level of noise, maybe the light pollution in the evening, that kind of thing. You know, that said, I think in my conversations with Kevin, he's shown a great deal of willingness to work with our condo board to find solutions that will work. My hope is that he'll live up to those expectations, particularly when it comes to trying to manage some of these things, like privacy as was expressed earlier by one of the other residents. Also, in terms of the sound mitigation, he has talked about adding, what's not shown in the conceptual view is some amount of foliage or

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whatnot that could be put in front of that to, you know, assist with both privacy and perhaps some of the sound deadening.

I think though what I would say is that with projects like this out there, there is generally, you know, our vision or his vision can somewhat eclipse maybe the available budget. So, just in terms of priority, you know, when that space is addressed, I think it would be our hope that, you know, a high priority would be placed on that existing, on the first partition there in between our building and the patio space. In other words, just make sure that whatever barrier is put there is suitable for the purpose that it's intended, namely, privacy and sound dampening and so forth. So, a lot of projects tend to go through some level of value engineering, and we would expect and even require that there would be some amount of budget that would always exist for that particular purpose.

I think it's been mentioned before that waste management was one of the other concerns that we had. I think enough has been talked about that already. I think as has been pointed out also, there is a lot of details yet to be figured out. But I don't think at this point that's a reason to not move forward with, you know, the next step.

I think that, you know, as a condo board, we are very excited about the possibilities for the space and some of the things that could be done with it. I think that, you know, a lot of the issues that the rest of the panel here has brought up are items that we've also discussed as part of the board. But in general, I think we're in favor of, you know, going to the next step. What we would simply ask is that there would be appropriate attention to some of the concerns that we have about the refuse, about sound, about privacy. To the extent that we continue to work together, I think this could be a potentially great thing for us.

CHAIRMAN LORENZINI: Thank you. Anybody else on this side? Yes, ma'am. Please state your name.

MS. GARRISON: My name is Shirley Garrison, I live at 1 North Chestnut downtown here.

CHAIRMAN LORENZINI: Could you spell your name?

MS. GARRISON: G-a-r-r-i-s-o-n. I support this proposition from Mr. McCaskey. I have known him for only ten years now, but I know him to be a very quality person, to be very concerned about the future of Arlington Heights, and a contributor in many ways. I think that anything that will have a new buzz to it will draw a different audience again, and that's comparatively what happens.

The parking situation was bad ten years ago and it's not going to get any better, but it's what brings people here. I sincerely hope that, I think you would find Mr. McCaskey an extremely cooperative person. He's not going to be involved in anything that doesn't speak quality. Thank you.

CHAIRMAN LORENZINI: Thank you. Anybody else have a comment, questions? Yes, ma'am. Please state your name and spell it.

MS. GALLAGHER: Bonnie Gallagher, I live at Metropolis 1 South, Apartment 803.

CHAIRMAN LORENZINI: What's the first name?

MS. GALLAGHER: Bonnie Gallagher. This is where I live, okay, and this is where Mr. McCaskey would like to put his new business which actually I think is a great idea. The only thing I'm concerned about is the noise. Now, I'm sure he's looked at this which is right here with all the noise from the Mago air conditioners, furnaces, cooking, whatever, which also has many times smoke and a lot of smoke. Like I felt at one point it was on fire which I think just

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for a moment it was.

CHAIRMAN LORENZINI: Can I ask you to maybe give those to Sam? Sam, can you pass them out please?

MS. GALLAGHER: In the meantime, Mago has made many changes. In the last few months, I have seen workers, contractors up there working with the furnaces and any of the other air conditioning. But I do have to tell Mr. McCaskey, and I'm a Packer owner, that's okay, they are fixing that situation which I think will help enormously, but it's extremely loud. The noise during the summer months is unbelievable, very, very noisy. Almost, I just want him to know that because that noise from those machines will make a very loud noise on his patio.

Kevin, have you been up there?

MR. McCASKEY: Yes.

MS. GALLAGHER: Okay, have you heard it?

MR. McCASKEY: Yes.

MS. GALLAGHER: Okay, then you know. So, if you're sitting out there, I don't smoke a cigar but my boyfriends happens to, he'll be there, you really don't hear anything because of the noise.

Now, if he brings a band out there, I don't have a problem with that. I love music, love to dance, love to hear it. But I don't want to have to listen to music after the probably 10:30-11:00 o'clock.

Now, I had my 70th birthday at the Metropolis ballroom in March. It was fabulous. I love that area and I know that this is not anything to do probably with that, but I am very excited about this new situation. I think it's great. But he has to know the sound barrier is a lot, and I am very concerned about that.

I'm concerned about the elevators not working in the garage which many times they don't. Right now, I try to get on the elevator, hello, the button is up, the button is down, both lights, nothing works. I asked one of the contractors the other day that was working on the elevator and I said what is up with these elevators? He said they got the worst contract on these elevators, the cheapest thing they could buy. I don't really care to hear that.

Not only that, but our garage there, if you're going to have a lot more people there, it's like Indy 500, no speed bumps. There's nobody there to help the senior citizens figure out where they're going. I think we need to do something about that. I would love to have Mr. McCaskey have his venue there, but how are we going to do that if nothing else is fixed? I'm just telling you the way I feel.

I am also concerned about parking for food. Okay, somebody is going to deliver their food. Where will it be? Are you going to have lights blinking that this is where the food is delivered? Where will this food be delivered? Will that take up a lot of parking from the rest of the city or the rest of the, are they going to come to the garage and deliver it? Is it going to be warm? I understand that.

That's all I have to say and good luck, and I hope the Packers beat you.

CHAIRMAN LORENZINI: Thank you for your comments. Anybody else wishes to speak and have comments? Okay, if not, we'll close the public hearing portion of this meeting and go back to the Commissioners for final deliberation and questions. Lynn, you want to, anything further?

COMMISSIONER JENSEN: Several people have expressed that we

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usually have a little more detail on things. It's a little unnerving to vote on this with the lack of detail that we have. Our Petitioner has a lot of faith, I hope that faith is fulfilled. I probably would have taken a more negative view if I hadn't heard so much positive from the folks in the audience. So, I would be willing to support this project but I can't say enthusiastically.

CHAIRMAN LORENZINI: Thank you. Mary Jo?

COMMISSIONER WARSKOW: Yes, I'm just going to kind of mirror Commissioner Jensen's statement that, you know, we've held other businesses, the Park District, to very fine details on their project. In this, we're just giving an okay to a very broad concept. It's a wonderful concept. If you're successful, I'll be there with my family. But the amount that is still unknown to us and we're responsible for saying that this is a good project is, I don't know, I'm very hesitant. I'm very positive but hesitant on the same hand.

So, honestly, I can't even tell you when the vote comes up how I'm going to vote because I'm very conflicted.

CHAIRMAN LORENZINI: Terry?

COMMISSIONER ENNES: Well, I know how I'm going to vote. I feel like from the beginning when I first heard about this, that it's a great idea. It is a great facility and I think your proposed idea will hopefully flourish there. I am concerned about the lack of detail here, but I trust with the investment that you're going to be engaged in, that you'll take care of that detail. So, I don't have a problem with it.

I do have one further question. If the patio, and from what I heard the patio is going to close at 10:30-11:00 o'clock at night?

MR. McCASKEY: The outdoor eating requirements require it to close by 11:00.

COMMISSIONER ENNES: Yes, okay. If that's closed at 11:00, you had mentioned you wanted this bridge to the garage to be ingress and egress. That would have to be eliminated from the people that stay late. They would have to go downstairs and walk their way out to the garage?

MR. McCASKEY: Correct. If that's what 1 South Highland desires and there is noise pollution, then we would have that shut down and that will only be open for emergency reasons.

COMMISSIONER ENNES: I support the project. I think it would be a great facility and space.

CHAIRMAN LORENZINI: Bruce?

COMMISSIONER GREEN: Just for clarity, the bridge would be an exit, so you could get out there and in time, you know, there's just so much hanging out in the patio. So, I think it's a great idea and I am used to a little more detail. But I know these things have to be worked out and it will be worked out, and we have a good Village Staff to make sure they're worked out properly. So, I think it's a great project.

CHAIRMAN LORENZINI: Jay?

COMMISSIONER CHERWIN: I would agree. I would agree what my colleagues here have said. I think the public had some very good comments. I think they are being addressed. We talked about noise, it sounded like Ms. Gallagher's comments about the noise would lend itself to, you know, I mean maybe not as much incremental noise given that there's already noise back in there. But it probably is every bit as much incentive to have some noise barrier not just to keep noise from going out but noise from coming in. So, I think if there's already noise there, maybe that mitigates any incremental noise.

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But you know, parking, we talked about the capacity in the garage. You know, this is the downtown space, so if there is some incremental noise, it's probably what would be expected than in a residential subdivision.

But you know, generally, I do support it. I think a lot of detail is, like you said, that's why we have Staff and Engineering, so I think most of the unknown would fall into code compliance and Engineering and Staff to take care of. I am comfortable supporting it.

CHAIRMAN LORENZINI: John?

COMMISSIONER SIGALOS: I'd like to also say I like the concept. I am supportive of it. I like the idea of getting that space finally occupied. I just wish there was more detail and not so much left to the imagination right now. I know you'll work these details out.

The one that I'm still not certain of is this bridge. Is that still something to be contemplated, not necessarily a part of this project? I saw somewhere it isn't determined yet it will be built or can be built.

MR. HUBBARD: I mean I suppose the Petitioner could go either way. If he does not wish to undertake the construction of that bridge connection, then he would be subject to a lot of limitations on the occupancy of the space, because the current exits do not provide sufficient capacity for egress. The bridge connection is shown on the site plan. It is contemplated during the approval process, so it's not like he would have to come back before the Plan Commission for approval of the bridge.

COMMISSIONER SIGALOS: I understand. The only thing is if the bridge is not constructed, then it would reduce his occupancy level.

MR. HUBBARD: Granted, those are some of the details that we'll absolutely going to have to figure out before we bring this before the Village Board because we're not going to move forward, you know, without any restrictions on occupancy if we don't know for certain the bridge can be built.

COMMISSIONER SIGALOS: It seems like there's a lot of details that have to be worked out before it goes to Village Board. The ball is in your court. So, that's all I have. Thank you.

CHAIRMAN LORENZINI: Susan?

COMMISSIONER DAWSON: So, I have to clarify, I misunderstood. When this said Metropolis condo board, I thought it meant the Metropolis Place. So, that was my misunderstanding. You mean the Metropolis building that you're in. So, you know, clearly that was a complete misunderstanding and I would have asked more questions regarding the sound barrier at that time.

I'm just curious with my colleagues up here in construction, what are the options to keep sound barriers out? Is there a viable option to help? Mr. Engineer? Mr. Architect?

CHAIRMAN LORENZINI: Well, my comment was, I'll go on to my closing comments then and go back to you, Susan. My comment is a lot of the unknown issues are really a business issue for Mr. McCaskey to be successful. So, most of the unknown issues, I'm assuming you'll work them out just to make your business viable.

The only thing that I was concerned about was the noise from the patio area because sometimes, no offense to anybody, but sometimes developers don't care about that part of it. So, I would strongly suggest that the Village look at the acoustical design of the barriers that may be proposed to expand the patio. But also, since there didn't seem to be a lot of problems with the residents who are here, that doesn't seem to be a big concern on their

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part. So, I would just leave it up to the Village to make sure that they do a good job with their screening.

But yes, as far as noise goes, you can do all kinds of acoustical work to mitigate it. But unless you're right up against the sound, it isn't a hundred percent fool proof. So, that's why I'm depending on the Village to do a review as best they can to mitigate the noise. If need be, well, I'm glad to hear that the patio has to be closed after a certain time, so my other suggestion was going to be close the patio after a certain time. But since it's already a rule, I'm not so concerned.

So, to summarize, my biggest concern was the noise from the patio, but there doesn't seem to be a lot of outcry against it. He's got to close by a certain time anyways, and I'm just depending on the Village to do a good job with whatever acoustical treatment that they're going to do for the patio.

COMMISSIONER DAWSON: So, I guess my thought is, you know, it would kill me to vote against this because I really want this project to go forward. But you know, agreeing with what everyone is saying, I don't recall ever approving anything that was this vague before. No offense to you, but it's troublesome to me to hear that, oh, before the Village Board we'll get this figured out, but you don't feel that you need to get it figured out before you come before us. You know, I've represented clients trying to go to the Planning Department that have been wrung over the coals that can't come unless they have every detail worked out, and this is coming and there's no details. So, it's really very troublesome to me that we couldn't avoid it until the next meeting so that there was more plan in place.

In terms of the approval, we've had other approvals where we've said things right in here, I don't know how much effect it has, but it says right in here if the neighbors complain, the Village could come in and require that your hours outside be changed. We don't have that in here.

MR. HUBBARD: We do, yes.

COMMISSIONER DAWSON: Is it? I don't see it.

MR. HUBBARD: Condition 6 relative to the exterior patio.

COMMISSIONER DAWSON: Oh, that's on the other side. I have to turn the page to see it. See, how complicated this is? I don't think I've ever had to turn a page. How many years have we been up here? When have we ever had to turn a page?

CHAIRMAN LORENZINI: There's always a first time.

COMMISSIONER ENNES: That's a lot of conditions.

COMMISSIONER DAWSON: That's a lot of conditions. So, and you know, again I ask why can't we wait two more weeks so you can have less conditions? You're really putting us in a bind here. Everyone wants to approve it, and you're hearing a lot of people saying they're on the fence. I'm asking you a question, you have to stand up and answer the question.

MR. McCASKEY: I didn't know if that was a question but didn't need answering.

COMMISSIONER DAWSON: That's okay. Why are we, I mean, I don't know why you have to be on this agenda, but why did you have to get on this agenda? Is there, give me a reason why we have to allow this to go forward to the Village Board with us agreeing to something completely vague?

MR. McCASKEY: I'm confused. What would be vague? My business plan or the patio?

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COMMISSIONER DAWSON: Usually we have specifications on the exact landscaping and what mitigation factors are being put in place. Here it's saying mitigation factors will be agreed to later. So, usually you would have landscape designs for us. We would have all these drawings where we would know exactly what materials are being put in place for mitigation. Does that make sense? You know, there's just a lot of --

MR. McCASKEY: Can I address that?

COMMISSIONER DAWSON: And is it just me? Am I the only one picking? Because believe me, this is killing me, you have no idea how much this is killing me. I'm so excited about this project. I'm just asking why we couldn't have more detail, why we have to have it today.

MR. McCASKEY: Well, the reason for the patio is it's in it's infancy stage. This is an idea, this is a concept, this is a big picture of what I want to do.

COMMISSIONER DAWSON: Not why you have to have a patio. Why do we have to have it before us today? Why couldn't we have waited two weeks and fleshed out more of these details?

MR. McCASKEY: Well, if it's the detail on the patio, I won't have an answer in two weeks.

COMMISSIONER DAWSON: Okay, that's what I'm asking, that's the information I'm asking for.

MR. McCASKEY: Because I would have to work with Metropolis Place on fencing, on the types of plants and trees. They would want trees, evergreens for year round, bamboo which is environmentally friendly.

COMMISSIONER DAWSON: I'm really not trying to pick at you at all but usually we have landscaping plans --

MR. McCASKEY: I have to --

COMMISSIONER WARSKOW: This is why we ask everyone else to come forward.

COMMISSIONER DAWSON: I just want you to understand usually we would literally have a landscaping plan up here that would tell us exactly what tree is being planted in exactly what spot. So, I'm not picking on you, I'm just saying that normally these are the things we normally see. So, you're seeing a lot of people sitting up here going we don't have any of the info. And everyone, from what I'm hearing, every single person up here wants to say yes, and the only people that are on the fence are saying, well, why are we making an exception here when, you know, we had a restaurant come through a couple of years ago and we were talking about odor decibels, and getting specialized, you know, studies coming in on smell tests. This was just this teeny tiny little restaurant that wanted to stay in this kitchen.

So, I don't know, I really don't want to fight this project because I really want it to go forward. I don't know, I just am struggling because I sit up here and I have to vote, and then the next time someone comes, I have to explain why I made an exception for you. Does that make sense to you? That's just the general conflict that I have.

MR. McCASKEY: It does. But I want you to understand this business concept will have to be developed. Two weeks from now, I won't have a better answer. This is going to be something that's going to be an incredible challenge. We all know that.

Arlington Heights is one of the greatest towns, and I'm not just saying that. It's been voted that way. Why has 10,000 square feet of usable space in Downtown Arlington Heights not been utilized in ten years above the Metropolis Theater?

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COMMISSIONER DAWSON: I agree with you.

MR. McCASKEY: It's some of the hottest real estate in Arlington Heights.

COMMISSIONER JENSEN: Mr. McCaskey, what I think Commissioner Dawson is saying is we require all of the other petitioners to be much further advanced than you are before we would actually give an approval. As has been said, we're all very positive about the concept. I was positive when you brought it to Plat and Sub. But you haven't worked out enough of the details to actually meet the standard that we have demanded every other petitioner since I've been on the Plan Commission in my six or seven years, and some of the people have been here a lot longer. So, it is very disturbing to me.

At best I can give you a very reluctant positive vote. I'm not going to feel very good about it because I know that somebody is going to come six months later and I'm going to, what am I going to do? Am I going to relax the standard and say this precedent is why I should do this? So, this is very problematic for quite a few of us.

Your market study is totally inadequate. I didn't get into any of that at all. You told me what you're going to do on the supply side. You never showed me how much demand there was, the kind of demand for restaurant services and for entertainment services and theater services. So, you gave me half of a market study, you gave me the supply side, you didn't give me the demand side. I don't know if there is enough demand out there for your business to be, you know, to actually make it.

So, we all have a lot of concerns and we'd like you to make it. But the standard we're now holding you to is so much lower than what we've held almost every other petitioner to and we're very disturbed by it.

COMMISSIONER WARSKOW: I echo that.

COMMISSIONER CHERWIN: Joe, can I just, I think one of the things maybe that will clarify, too, and just to be fair here is when we do review significant landscape plans and some of these other, you know, whether it's elevations and stuff like that with other projects, that's always part of the ordinance, right? They have to come to us with a landscaping plan, they come do it and Staff looks at it. I think we're in a situation where that's not a requirement in this particular space. So, to hold Mr. McCaskey to the standard that is above and beyond what's required under the code I think is holding him to the standard that isn't applicable to this particular property.

COMMISSIONER JENSEN: We require people to do a market study in many, many cases.

COMMISSIONER CHERWIN: No, I understand. I understand, you know, the market study can be done and it needs to be done. Whether, you know, the level of rigor we hold the market study, that's probably not exact, and we are dealing with a somewhat new concept without a lot of, you know, track record. But again it goes back to this is a zoning commission and we are looking at it in terms of land use. There are business risks that Mr. McCaskey and his group are going to undertake, and if they happen to be on the forefront of the concept, that's not, I don't believe that it's my position to sort of hold that against them.

But going back to the landscaping plans and all these other standards, I think we're holding Mr. McCaskey to the same requirements, this is a bit of a different use. It's located on a higher floor so the landscaping isn't there. In terms of noise, are we, you know, if Mr. Hubbard could just clarify for us here, you know, the noise standard, the ordinance, is there a particular ordinance that we're applying? I guess I'm looking at this and we're putting in these provisions that say, well, you know, and first of all I would say that we don't

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have an overwhelming public outcry about the noise that we have with some tenants, but we have a safety valve in here in terms of detrimental to the health, safety as well as the noise where we can pull that back.

But Mr. Hubbard, if you could speak a little bit to the particular application of the noise ordinance and how it's, would you mind, Joe, if I could just get a little bit of information from Staff on that?

CHAIRMAN LORENZINI: It's fine.

MR. HUBBARD: Sure, yes. The Petitioner would be required to meet any noise ordinances within the Village as regulated by the Police Department as well.

COMMISSIONER CHERWIN: Right.

MR. HUBBARD: So, you know, to your point, I think the same level of scrutiny is going to be applied to this as it would be applied to every other case. It's just, you know, usually we get that level of detail up front. In this case, we still will be scrutinizing that, it just won't be at this exact juncture.

COMMISSIONER CHERWIN: Right. We don't necessarily know, you know, I mean there's a uniqueness to the space as well where it's located. So, we don't have a good track record to go on and say, well, the restaurant down here with a patio of so and so square feet generates this. We've got all this other HVAC and everything else that is on top. So, I think there's just some variables here that may --

CHAIRMAN LORENZINI: Commissioner Dawson, anything else?

COMMISSIONER DAWSON: No, I think I've said plenty.

CHAIRMAN LORENZINI: George?

COMMISSIONER DROST: The concept is great. I think there's a couple of things that might give Lynn a little more assurance. I look at it from the standpoint from the composition of the condominium association. We've got the Village involved in it and we've got an upstairs tenant which runs a commercial office building. So, you have to work within the context of what's in the interest of the Village, and hopefully the Village would be representing all the citizens at large.

The other piece is that I think we have an owner, a manager, and a person occupying that space or an entity occupying that space that is in our community so that there might be a little bit more investment here and a little bit more, let's say neighborhood pride, you know, walking to the Jewel. It's probably not like Arlington Heights but it is an important thing that you take a risk that way. Plus, you're taking a risk of capital. All of these projects really boil down to really what I call the three S's, and that's sound, smell and safety. The question is the enforcement, and then from the standpoint of the operator, the ability to execute on the plan.

I've always taken a position in this Village that we have to distinguish ourselves in some way from the rest of the other neighboring communities. These are unique opportunities for us and we have to make entering into the business community accessible. We cannot be overly restrictive. We have to find that balance, and I think that balance would be dependent upon the good faith of Mr. McCaskey and how he is going to spend his capital and reach out to the community. I'm sure he's going to offer many opportunities to involve the community in partnering with agencies and some of our fine organizations to be able to use that space for the auditorium and do something not only for himself but also for the community.

So, I'm generally, I'm in favor. I don't have as much trepidation with the execution because I think we've got a pretty good Planning Department, we've got a good

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Engineering Department. I'm also kind of amazed that none of the audience came rushing out saying this is going to amp our property value. Commissioner Ennes, we'll save you an opportunity to opine on that, and that's good.

The last question, I'm going to ask you a question. Do you have a brother that graduated from North Park College?

MR. McCASKEY: I have an uncle.

COMMISSIONER DROST: Uncle, okay, so you're in.

CHAIRMAN LORENZINI: All right. Just my final thoughts. Again, there's unknowns, but as far as the food distribution goes, if they get the liquor license and they meet the requirement, as far as the overall operation of things, if there's some unknowns, well, that's the business risk and I'm sure you're going to do everything you can to make this business a go. Again, the outdoor patio, the landscaping out there, when we do a parking lot, you're adding so many trees and so many landscape islands. There's a written code. When you do a business, you're going to have so much shrubberies per code.

This is a different animal. So, I'm relying on the Village to do a good job with the final approval. But there is that safety valve on the second page that says the Village can put further restrictions if the patio gets abused.

So, do we have a motion? Any other comments or a motion?

COMMISSIONER DROST: Yes, I'll make the motion.

A motion to recommend to the Village Board of Trustees approval of PC# 16-019, a Special Use Permit to allow a restaurant within the B-5 District; a Land Use Variation to allow a restaurant with no on-premise kitchen facility; a Land Use Variation to allow a "Restaurant, Amusement Device Arcade" of up to 20 amusement devices within the B-5 District; and a Variation to waive the requirements in Section 6.12-1 to eliminate the requirement for a traffic and parking study prepared by a qualified professional engineer.

This approval is subject to the following conditions:

- 1. Prior to consideration by the Village Board for final approval of this application, the Petitioner must provide a capacity analysis of the maximum number of individuals permitted to occupy the space based on all building code regulations. Upon receipt and review of this information, additional restrictions and limitations may be imposed on the use of the space, which may result in modifications to the floor plan.**
- 2. The Petitioner shall provide food service from Arlington Heights restaurants and/or catering establishments for customers within the restaurant in accordance with liquor license requirements.**
- 3. Maximum occupancy of the space shall not exceed 313 persons and must be in accordance with all building code requirements, which maximum occupancy may be increased in the future in accordance with all building code requirements.**
- 4. The outdoor dining patio shall be subject to the following:**
 - A. Prior to issuance of a building permit to allow the expanded patio and associated improvements, the Petitioner shall obtain Metropolis condo board approval and shall be subject to any conditions required**

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- by the condo association.
- B. Prior to the issuance of a building permit for said expansion and associated improvements, construction details and material specifications shall be provided for review. The Petitioner shall provide a review and certification from an acoustical consultant/engineer stating that the expanded patio design will not create noise that may impact the Metropolis Theater operation. Upon completion and use of the patio area, should any negative noise impact be experienced by the Metropolis Theater, the Applicant will be required to add additional noise suppression materials to eliminate the noise impact to the theater.**
- C. Compliance with outdoor eating café code requirements as part of the outdoor eating café permit process and building permit process, the applicant must provide complete details on all screening and railing around the patio, all furniture and equipment on the patio, all lighting elements on the patio, and any sound/speaker elements on the patio, all for review and approval by the Village.**
- D. The Petitioner must provide documentation from a licensed structural engineer certifying that an expansion of the patio, including all proposed improvements to the rooftop area, will not threaten the structural integrity of the roof. Upon receipt and review of this documentation, the Village has the sole right to approve or deny any proposed expansion to the rooftop patio and/or any associated improvements to the roof.**
- 5. The proposed bridge connection between the Metropolis building and Vail Avenue Garage shall be subject to the following:**

 - A. Documentation from a licensed structural engineer indicating the structural ability of the Vail Avenue Garage to accommodate said bridge connection (all costs to be incurred by the Petitioner).**
 - B. An analysis of the impact of said bridge connection to the parking within the garage.**
 - C. Acceptance of a maintenance and liability agreement for said bridge connection.**
 - D. Upon receipt and analysis of the info outlined in items 4A through 4C above, the Village reserves the right as the owner of the garage to approve or deny said bridge connection at its sole discretion.**
- 6. The exterior patio area shall not be detrimental to the health, safety, morals or general welfare of persons residing or working within the vicinity. As such, the Village, at its sole discretion, reserves the right to impose additional restrictions on the exterior patio or revoke the portion of this special use permit that authorizes use of the exterior patio.**
- 7. The Petitioner is required to hold a neighborhood meeting with the residents of the Metropolis Place condo building. Prior to the Plan Commission hearing, the Petitioner must provide a summary of this meeting to Village Staff, which summary shall outline any concerns raised during the neighborhood meeting. Based on this summary, the Village may add**

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additional conditions of approval prior to appearance before the Village Board for final approval.

- 8. The Petitioner shall obtain the appropriate number of parking permits for employees to park in the Municipal Garage subject to availability.**
- 9. The Petitioner shall comply with all applicable federal, state and Village codes, regulations and policies.**

COMMISSIONER CHERWIN: I'll second.

CHAIRMAN LORENZINI: Roll call vote please.

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MR. HUBBARD: Commissioner Dawson.

COMMISSIONER DAWSON: Yes, with comment.

MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: Aye.

MR. HUBBARD: Commissioner Ennes.

COMMISSIONER ENNES: Yes.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. HUBBARD: Commissioner Warskow.

COMMISSIONER WARSKOW: Yes, with comment.

MR. HUBBARD: Chairman Lorenzini.

CHAIRMAN LORENZINI: Yes. Commissioner Dawson, comment?

COMMISSIONER DAWSON: So, I just feel it's really important that I put on the record why I'm making an exception in this case so that it's not establishing precedent. The reason in my mind, the deciding factor for the yes vote is the extreme length of time in which this property has been vacant to the point that there really is, this is the best use for it. I would hate to be a stumbling block.

I do trust Staff. I never meant to imply that I did not. I've just never seen in all my years up here this much ambiguity. But I'm very much in favor of the project and I trust that it will all be resolved before the Village Board hearing.

CHAIRMAN LORENZINI: Commissioner Warskow?

COMMISSIONER WARSKOW: Yes. I voted yes and it's because I don't have another opportunity to vote on this. This is my only opportunity, and as I said I am very supportive of the project. But I do want it also noted that I feel like we are making an exception in your case. We are not requiring specific details on how you would mitigate any noise that it might incur with your operations on the patio, and I know we would require that of another Petitioner if they came forward with the same type of plan. So, I'm saying yes because this is the only vote I have, but I really don't want to see this ambiguity come before the Commission again.

CHAIRMAN LORENZINI: Congratulations, you received a unanimous approval. But this is only advisory to the Board of Trustees. Is this going to the Board any time?

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MR. HUBBARD: We're going to have to work with the Petitioner on some of these details, so we don't have a target date.

CHAIRMAN LORENZINI: So, the Board of Trustees have final approval on this. Congratulations. So, we've got another hearing, so if you have any other business, would you please take it outside? Thank you.

Why don't we take a five or ten-minute bathroom break?

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 9:22 p.m.)