

Arlington Ale House PC 16-019
Staff Recommended Modified Conditions
REVISED 9/28/16

~~Strike Through~~ represents language that was recommended by the Plan Commission but recommended to be removed.

Yellow text represents additional modifications recommended by staff.

The Staff Development Committee has reviewed the proposed request for a Special Use Permit to allow a restaurant, a Land Use Variation to allow a restaurant with no full kitchen, a Land Use Variation to allow a "Restaurant, Amusement Device Arcade" with 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, and recommends approval of this application subject to the following conditions:

1. ~~Prior to consideration by the Village Board for final approval of this application, T~~the petitioner must **has** provided **a** capacity analysis of the maximum number of individuals permitted to occupy the space based on all building code regulations. **Based upon the two revised occupancy plans, the following conditions shall apply:** ~~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.~~
 - a. **Plan Option A:** Existing outdoor patio. No expansion of the outdoor patio. Shall be subject to the following conditions:
 - i. The petitioner must ensure that the maximum occupancy of the space shall not exceed 313 persons and must be in accordance with all building code requirements.
 - ii. The petitioner shall put measures in place to manage the maximum occupancy and have an accurate occupancy count at all times. Such measures must be approved by Village Staff. If upon inspection by the Village there are repeated violations to the maximum occupancy the Village may pursue any and all legal remedies, including possible closure, revocation of liquor license, or other actions as deemed appropriate by the Village.
 - iii. The maximum occupancy may be increased in the future in accordance with all building codes **if approved by the Village in writing.**
 - b. **Plan Option B:** Expanded outdoor patio. Shall be subject to the following conditions:
 - i. No expansion to the patio is allowed unless an additional qualified means of egress is provided in compliance with the building code and subject to Village approval.
 - ii. The maximum occupant capacity outlined in condition 1a may be increased if the Village approves an additional qualified means of egress.
2. ~~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.~~
3. 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.
4. The outdoor dining patio shall be subject to the following:
 - a. Prior to issuance of a building permit to allow the expanded patio **(Plan Option B)** and associated improvements, the petitioner shall obtain Metropolis Condo Board approval and shall be subject to any conditions required by the condo association.
 - b. Prior to the issuance of a building permit for ~~said~~ expansion **to the patio (Plan Option B)** 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 for Plan Option A and Plan Option B. 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 (Plan Option B), 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 reserves the right to approve or deny any proposed expansion to the rooftop patio and/or any associated improvements to the roof.
 - e. Live entertainment is prohibited on the outdoor dining patio.
 - f. The petitioner must renew the Outdoor Eating Café Permit annually for compliance with the applicable criteria.
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 person 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 room with pool tables as shown in pink on the "Plan Option A" and "Plan Option B" and located along the western side of the subject unit must have mechanisms installed that prevent the ability to open the two windows within this room.
 - ~~8. 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 additional conditions of approval prior to appearance before the Village Board for final approval.~~
 9. The petitioner shall obtain the appropriate number of parking permits for employees to park in the Municipal Garage subject to availability.
 10. The petitioner shall comply with all applicable Federal, State, and Village Codes, Regulations, and Policies.