

PLAN

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

COMMISSION

RE: HEY NONNY - 10 SOUTH VAIL AVENUE - PC#17-011
PUD AMENDMENT, SPECIAL USE FOR RESTAURANT/AUDITORIUM
(MUSIC VENUE), VARIATION TO WAIVE TRAFFIC STUDY

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 8th day of November, 2017 at the hour of 7:30 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

SAM HUBBARD, Development Planner

CHAIRMAN ENNES: This meeting of the Plan Commission of Arlington Heights is called to order. Would you all please stand and join us for the pledge of allegiance?

(Pledge of allegiance recited.)

CHAIRMAN ENNES: Thank you. Sam, would you take the roll?

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Here.

MR. HUBBARD: Commissioner Dawson.

(No response.)

MR. HUBBARD: Commissioner Drost.

(No response.)

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Here.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Here.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Here.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Here.

MR. HUBBARD: Commissioner Warskow.

COMMISSIONER WARSKOW: Here.

MR. HUBBARD: Chairman Ennes.

CHAIRMAN ENNES: Here. We have minutes for approval. Do I have a motion?

COMMISSIONER LORENZINI: I'll make that motion.

CHAIRMAN ENNES: Is there a second?

COMMISSIONER JENSEN: Second.

CHAIRMAN ENNES: All in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: I abstain, I wasn't at the meeting.

COMMISSIONER GREEN: I also have to abstain, I was not there.

COMMISSIONER WARSKOW: Same for me.

CHAIRMAN ENNES: Okay, our first petition is PC#17-011. Can I ask the Petitioner to please come forward to the podium? Would you and anybody else who is going to speak, please come forward? I will swear you in. Would you each please state your name for the court reporter just so we have that?

MR. DUNGAN: Sure. My name is Chris Dungan.

MR. DUNN: I'm Cory Dunn.

(Witnesses sworn.)

CHAIRMAN ENNES: Would you like to -- have all notices been sent out, Sam?

MR. HUBBARD: They have, yes.

CHAIRMAN ENNES: They have. Okay, would you give us a presentation for your project?

MR. DUNGAN: Sure. So, good evening, everybody. First of all, I'd like to thank the Commission and the Staff of the Village of Arlington Heights Planning Development just

to get us here to this point today. Today, I'll talk a little bit about what Hey Nonny is and then why we're here.

So, Hey Nonny, what is it? So, it is a casually sophisticated music venue and gastropub located in the heart of Arlington Heights Downtown dining and entertainment district. What we're about is local food, local drinks, and live music played locally. On our menu, we'll feature familiar new items, lots of very sharable plates made from ingredients that are fresh from local farms and suppliers. Our local drinks will also feature unique craft cocktails, with liquor from Midwest distilleries and also from craft breweries located in Northern Illinois. Then from a live music perspective, we are really going to bring a special live venue, very intimate venue where we will present a wide variety of music, different genres, and hopefully we'll create best listening room in the Chicago land area.

So, who is, or what does Hey Nonny mean? Did I advance? There you go. What does Hey Nonny mean? A lot of people have asked me, hey, what is this Hey Nonny? Basically, it's a nonsensical expression that's been used in hundreds of songs for probably 400 years. But really what it means is to be carefree. That's really the feeling we want when people come to Hey Nonny, it's a place where they can come and enjoy a great meal, see some live entertainment and sort of leave their cares at the door.

Some best known examples of how Hey Nonny has been used, in Shakespeare's Sigh No More song and Much To Do About Nothing. Also, there's this little band called the Violent Femmes that's Milwaukee-based at 1991 released a song Hey Nonny Nonny.

So, Hey Nonny is basically myself and Chip Brooks. Chip is off in Hawaii with his family tonight, so I'm here representing both of us. But both of us are Arlington Heights residents. I have lived here since 1997. My wife here actually grew up right on Dryden Avenue. Chip Brooks has been here since 1987. Chip was a partner at Holland & Knight, he was an attorney. Also, I'd like to note that he was also an intern at SPACE which is another music venue at Evanston, and he did that for about five or six months. Also, Chip is a board member of the Northwest Suburban Community Concert Association which he's done for a number of years as well. Myself, my background has all been in generic pharmaceuticals. I co-founded a company called PACK Pharmaceuticals in 2005 which was sold in 2014. I am currently a board member of the Metropolis Performing Arts Theater and been on the board for a number of years.

So, why are we doing Hey Nonny? What is this about? One of the things is we love to hear great music. We love live music, that's really our inspiration, and all kinds of music, whether it's folk or jazz, classical, rock, county, you know, we want to see great entertainers come to Downtown Arlington Heights. We believe that this type of offering and this kind of music and in a venue like we are proposing is very limited in Arlington Heights. So, the other reason is, you know, us and a lot of our colleagues and friends, we get tired of driving into the city of Chicago or driving out into Evanston and other places to see live music. We really think along with our friends and associates that having that right here in Arlington Heights is a great idea.

So, where will we put this Hey Nonny? So, the location is 10 South Vail. It's across from the beautiful Harmony Park. It's right under the Metropolis Ballroom. I love this location; I think it's a great location. You know, again, we have the beautiful park across the street. Plus, we're in an entertainment and dining complex. In our building right above us, we have the ballroom, we've got the piano bar downstairs, Armand's restaurant, Metropolis Performing Arts Center, Mago's, and the Ale House, all within the same, sort of connected through

the building complex. The other great thing about our location is we're right in the center part of the dining and entertainment district.

From a design perspective, and Cory Dunn is here from D+K Architects, one of the things that Cory and his team has done and they've done a great job in it, too, is they took our vision between Chip and I and actually made it kind of happen. Chip and I really wanted to have a space for people to come and listen to music, and a place where people can also dine and enjoy a meal and be able to converse, and not have those two competing aspects of our venue kind of butting heads. You know, you might notice sometimes you're in a live music venue that combines dining or you're in a restaurant that has dining and a band, it's just too loud and you can't hear each other talk. So, one of the things that we said was let's design a space where we can have a music room for people to actually sit, listen to music, enjoy music, appreciate the music, and then for people who want to dine, we'll have a separate space where they could enjoy a meal, a great meal, have a conversation and not compete with the sound and not have to yell to the other person to have a conversation.

So, we did just that. One of the key aspects of the space is that there's really two separate rooms built in, on the venue side and then the other gastropub side. What separates the two spaces is going to be actually a vertical wall that's about 24 feet wide; it will be about 5.5 feet high. It will start at bar height and go up. What it will do is actually open the two rooms when we want it open where we can play sort of background music, we can have an acoustic set or something very easy going, and that can just sort of fill the space in the two areas. Or if we're having a concert where the music is a little bit louder, we can close that wall, it will be an acoustic wall, and then people on the dining side can enjoy a meal and the people who are listening to music can enjoy and listen to music.

So, in the venue, what you expect is probably about 110 seats under normal standard seating, but it will be versatile where we can mix it up and change it to whatever accommodates the type of band or the type of audience that we'll have. Then in the gastropub, our standard seating is about 60. It might be a little difficult, I don't know how well everybody can see this, I know you guys can see it on your computer, but the top of the screen which is the north wall, that's our gastropub. It's a combination of banquette seating along the north wall with some highboy tables and seats at the bar, and then standard table's height seats at the window. There will be about 16 seats there. Then there's an additional 16 seats in the music venue as well.

Again, you'll notice the music venue is open, and that's really on purpose because when you have a concert, depending on the type of music, if it's a jazz concert, you might have 60-75 people in there, you might have your tables, little cocktail tables, people sitting around and listening to music. If it's country, you might organize seats around and have a little dance floor in the middle. Or if it's more of a rock upscale, it might be mostly standing and then you just have your VIP seat and tables along the window. So, it's really created to be very versatile.

The interior is what we would call a lively mid century studio. Really we want to stick with that sort of music theme. We don't want it to be over, you know, hit you with, you know, symbols everywhere and whatever. But it will give the feeling of sort of being in a music studio. That design concept is functional as well as aesthetic.

So, if you look at, you know, where the walls are in the music venue as well into the gastropub. There's going to be vertical wood trim and wood trim on the side, but then the walls will be made of fabric with sound absorbing materials behind that fabric to really

absorb sound so sound doesn't sort of bounce all over the place. The venue will have a stage that is 18 feet wide, 15 feet deep. Our windows, we plan to have open air windows to the street, very similar, like you have at Shakou.

This is just sort of a look at what that north wall banquettes would look like with the art features above the seating and some of the design elements as well. Then this would be kind of a vision of what it would look like to sit in a gastropub and sort of look through that open, you know, where the wall is up and you can look through the opening, what I would call presidium, you can kind of look right through there to the music venue. Then this would be what it might look like if you were sitting in the music venue and you're, for example, here maybe listening to some jazz or maybe a little cabaret type of performance.

Sound is important to us. You know, we recognize there's a big difference between sound and noise. You know, we plan to have great sound in this venue and not to produce noise. So, what we've done is we have retained an engineer that has come through and has helped us figure out all the sound attenuation. You know, it's very important to us that we be good neighbors and sound doesn't flow out of our space up to our neighbors to the ballroom or the other spaces or out to the street. But it's also very important to us, it kind of goes both ways, we don't want sound from the ballroom and from the street and everything to come into our small intimate listening room.

So, the main thing really about this space is, again the acoustics and the sound have to really be perfect. That's why people are going to come and are going to see great shows and they're going to say the sound is fantastic. So, we've actually put a lot of effort, a lot of design effort through our engineers and spending a few bucks to make sure that our sound attenuation and acoustics will be very good in our space. We also hired a guy named T.C. Furlong who will do our sound equipment. T.C., if you mention his name to pretty much most of the venues and to any musician in the area, they know who he is. So, we've got him designing our sound system, they go, oh, you're good. So, we have a great designer there.

Then we'll also provide back lighting for artists as they come in. Providing the right equipment is key when we want to attract top artists to our area. We'll have a six-foot grand piano kind of tucked away, so then when we have a band, we can pull the piano out if we need a piano to accompany. If we have a bigger band, we actually can leave the piano sort of offstage a little bit and have the piano player barely onstage and just make it up.

Operation's schedule. So, we'll be open six days a week. On Monday we'll be closed. Then Tuesday through Thursday, we plan to be open between 5:00 and 12:00. We'll have a variety of types of music presented during the week. For example, upcoming talents, songwriter circle, might have some cabaret and jazz, and then like a residency night where you might have a local artist who basically is almost your host every week for a number of months, you keep them under contract, and they do different themes each week and play different music.

Then Friday and Saturday, Friday afternoon we'll open at 3:00 o'clock to kind of catch the people coming home from work and getting off the train early after a long week at work, who want to come in and just kind of relax and listen to an acoustic set. We'll have sort of the whole place open and have sort of free music in the afternoon on Fridays. Then in the evenings on Friday night and Saturday night we'll have concerts.

Then Saturday morning and Sunday morning, we plan to have a jazz brunch between 10:00 o'clock and 2:00 p.m. It seems to me that today a lot of young people

really love going out to brunch, probably just because they don't wake up until 9:00 o'clock, I don't know. But any little jazz brunch I think will attract young and old people to come and enjoy that on the weekends. Then we thought we'd wrap up the week with a little chamber music in the afternoon on Sundays.

In terms of the menu, you know, I think I touched a little bit on this already. Again, it's a farm-to-table gastropub type food. All of our ingredients would be sourced from top Midwest farms and providers. The idea is small plates, it's sharables, it's pub food but it's maybe a couple of steps up from your typical pub food. It's sophisticated, not pretentious. It will be priced competitively and really fresh, interesting, and very good.

From an operations standpoint, myself and Chip, we plan to be involved on a daily basis. We want to make sure we're there so that everybody is having a great time enjoying our establishment and satisfied with the service that we are providing in each and every day. We hired a chef, Dave Perlick who is the owner of the M Supper Club in Crystal Lake. He's also a consultant to the Montarra restaurant in Algonquin. Chef Dave is basically designing our menus, our cocktails, helping us with our kitchen design and layout. He is really going to be there with us through the whole process of getting us opened and training and ongoing operations for our business. He'll help us also hire an experienced general manager, our kitchen manager/sous chef, bar manager, a well as our venue managers.

Some of the market considerations for us actually why we think this is a great idea is, you know, one, Arlington Heights we see is sort of an epicenter of the northwest suburbs. Around the Arlington Heights area, there's a half a million people within a 12-minute drive from Downtown Arlington Heights. We also are the only listening room/ restaurant concept combination that would be unique in the northwest suburbs. However, there's a number of successful venues and combinations that already exist; they're just far away. As I mentioned, SPACE in Evanston is very successful. Then you've got Andy's Jazz Club and Talia Hull and Promontory all in Chicago which are very good.

We are going to offer a wide range of music genres. One of the things I've noticed in the numbers on music is that Chicago actually consumes more different types of genres of music than any other city in America. We like everything from Latin to jazz to R&B to rock and roll to everything. I mean we just consume it all, and so we plan to tap into that.

Then in our area, there are very few locally-sourced farm-to-table kitchens. Then again, just with talking to our residents and neighbors, people really would love to see something here in Arlington Heights.

So, why we're here is there's three issues presented tonight. One is we are asking for an amendment to our planned unit development to approve a floor plan for our use at the Metropolis mixed use development. We're asking for a special use permit for a restaurant and auditorium space, and a waiver for the requirement for a traffic and parking study.

From the PUD amendments, our space was originally a bank, and then in 2013, basically there was a permit for a restaurant which was to be there. Now we're asking for an amendment for the Hey Nonny this evening.

A special use permit is required for all restaurants in Arlington Heights. The criteria for that is that the special use is necessary for the public convenience, that the use is not detrimental, and that it will comply with all regs and conditions. In terms of our necessity for convenience, public convenience, as I stated earlier, there is no music venue/listening room combination restaurant within 20 miles of Arlington Heights. Presently, our

local residents are traveling 20 to 27 miles to experience these types of venues where they can see live music in Evanston and Chicago. So, we think that the local venue serves a public convenience. Also, the fact that our venue will be located in the Metropolis Performing Arts complex is a key part, and there's the access to Harmony Park, and we're at the center of the dining and entertainment district.

We really think that great food and great music is not detrimental to anybody's health. Actually we think it will improve your health. So, we actually think that what we'll be putting there will be a cultural asset to our community and highly beneficial to the welfare of the residents. Of course we will comply with all regulations and conditions.

One thing we kind of ran across when we were putting all of this together, we put our project really on par with some of the Village objectives for 2017. In the budget, there is a Village Board priority for 2017 which set out to strengthen the downtown area to enable continued success in the future. I won't read through all that, but I thought the interesting part was the budget notes where it says Downtown Arlington Heights is a suburban hotspot for dining and entertainment. By emphasizing these aspects further, we can further enhance the downtown. Planning and Community Development Staff will make concentrated efforts to recruit restaurants and entertainment businesses. Like I said, we thank the Planning Staff and the Commission today because I feel like definitely there's been a great cooperation working together so far.

In terms of the study variation, there's three criteria for the variation to the traffic and parking requirement. One is that the parking cannot yield a reasonable return if permitted to use under conditions allowed by the regulations; the plight of the owner is unique; and the variation will not alter the essential character of the locality. In terms of the bailout, as I kind of stated there, we're investing a significant amount of money into this venue. It's one thing to put a restaurant in and to put a lot of money into a kitchen, but it's amazing when you want to put a listening room in, the money you're spending on sound attenuation and the equipment and the lighting and all those things that kind of go along with it. It sort of brings it to a whole another level. So, it's a pretty significant investment and we really believe that if we had to do a parking and traffic study, really our return on investment will not be reasonable.

Also, the plight of the owner is under unique circumstances. The location is unique. It's part of the packed dining and entertainment complex. We're across from the Village's largest parking garage, and we're also across from Arlington Heights's summer music home, the park. So, our location is unique. I think it's also unique that we have a couple of Arlington Heights residents saying, hey, we want to put a cultural asset right in Downtown Arlington Heights and that no one has really attempted to do this yet. The third variation would be not to alter the character of the location. Because we're putting a dining and entertainment venue in the dining and entertainment district, we're really just going to enhance that location.

So, finally, my last slide is, are you sure there's no applause for that? So, you know, what are the community benefits of a small music venue? One of the things that I really feel is a small venue with big ties to the community. You know, when I read about a lot of other venues, I see what's done in other small venues in this country and other countries, you know, these are venues that host a lot of charity and special events. They put on a lot of youth programs. Kids that might be enrolled in the school at the performing arts center would have a place to play in a different setting. Kids that are in different, other music schools in Arlington Heights and the surrounding communities would have a place that perhaps they could play or

even learn about some of the technical things about sound mixing and lighting and all these other types of things. So, there's a lot of youth programs that can go into a venue like this.

Local businesses, it's a unique space, it's a space that could be used for training and other types of seminars. It's a very versatile space. We will have a projector screen, so we think it will also be helpful for local businesses. Then I think most importantly, well, maybe not most importantly but not to be forgotten is that small music venues are really incubators for local artists. This is where all artists start. Musicians, they start in small music venues, even the famous ones before they make it to the bigger arenas, they spend a lot of time in small music venues and clubs. Without small music venues, it's just such an integral part of sort of the, you know, the whole chain of how musicians sort of work through the system. So, I think they are very critical, and also they attract a lot of cultural diversity and acceptance like so many other arts and entertainment venues do. I think by doing that, it also helps to attract more skilled workers, and then more employers would also increase property values.

So, I'm losing my voice a little bit, probably because I practiced this too many times. But I appreciate you guys listening tonight and I'm open for any questions.

CHAIRMAN ENNES: Well, Mr. Dungan, thank you for your very detailed presentation. Does your architect have any comments to go along with your --

MR. DUNN: Right now I probably would just field questions.

MR. DUNGAN: I brought him just in case there's something I couldn't handle.

CHAIRMAN ENNES: Well, then I apologize for having you stand up for all this time.

MR. DUNN: No problem.

CHAIRMAN ENNES: We will be asking, the Commissioners will be asking questions after we get the Staff report. So, feel free to have a seat. Sam, can we have the Staff report?

MR. HUBBARD: Yes. Good evening, Chairman Ennes and members of the Plan Commission. So, the property is in the B-5 Downtown Zoning District. In the B-5 District, restaurants and auditoriums which is what we classified the venue portion of this business are special uses. So, the Petitioner is required to seek a special use permit approval. The restaurant, if it was a restaurant only, could technically have met our criteria for a special use permit waiver. But because the auditorium/music venue portion is included in the proposal which requires its own special use permit, it's exempt from the waiver process and it has to go through the special use permit process as well, so it's just consolidated all into this process.

Additionally, the subject unit is a part of a PUD which was originally approved in 1998, it was the Metropolis PUD which includes the Metropolis Place Condominium building, the Metropolis Theater, Mago's, and then the subject property which includes Armand's, Big Shot's Piano Lounge, the Metropolis Ballroom on the second floor, and then of course the subject unit as well. Because this use in this space wasn't originally contemplated in the original PUD, an amendment to the PUD is required. There have been two amendments to this PUD since it was approved in 1998. The most recent was in 2013, and that allowed Circa 57 Restaurant to occupy what is now occupied by Armand's, and also to occupy this space as well. They were also, in 2013, I would mention that Circa 57 was also approved for the same variation that the Petitioner is requesting tonight which is a variation to waive the traffic and parking study. While Circa 57 was approved to occupy the space, they never built it out. So, the Petitioner is

proposing to build it out as the restaurant and music venue.

Actions to date, the Petitioner appeared before the Conceptual Plan Review Committee on October 11th, about one month ago. Discussions centered around the uniqueness of the use, the farm-to-table concept, and the music venue portion, and also about sound and music overflow, the demand for restaurants in Downtown Arlington Heights. Overall, I would characterize the Conceptual Plan Review Committee as generally favorable to this use. By code, as the Plan Commission is well aware, all special uses have to provide justification for approval to the special use criteria. You've heard the Petitioner's presentation tonight and their justification.

Staff has reviewed the criteria as well and concurs with the Petitioner and believes that the necessary criteria for special use permit approval have been met. We note that the farm-to-table use is unique. There aren't many restaurants that specialize in that in Downtown Arlington Heights, as well as incorporating the music venue in there. It is certainly a unique use, and we believe that it's been proven to be necessary for public convenience.

So, here is an aerial of the property. The subject property is outlined in red. The subject unit is located on the south side of the property, approximately in this location. You can see it's directly across the street from the Harmony Park, and then it abuts the Vail Avenue Garage to the south.

When Staff was analyzing this, the Staff Development Committee, you know, really focused on two primary issues, and that was the potential for noise overflow and then the parking impact of this use. Relative to noise, we were primarily concerned with overflow within the building to other tenants, and then potentially outside the building as the Petitioner has said that they want windows that open. You know, it is noted it's right across the street from Harmony Park which of course has the Sounds of Summer, so we didn't want to see two music activities competing with each other.

So, we did add some conditions of approval to address this. One was that the windows be closed during paid events that would have loud music. Again, one of the conditions was to add sound buffering material to the unit which would prevent potential disturbance to the ballroom located directly above. I would note at this time that there are slight tweaks to the conditions as written in the Staff report, so I'll go over those and we'll get to that at the end of the presentation.

Here is the floor plan again for reference. You can see the restaurant side here and then the venue side here with the stage and then the back of house operations towards the rear.

Relative to parking, well, first of all, relative to traffic, the Staff Development Community wasn't overly concerned with traffic generation from this use. We believe that the downtown transportation network has capacity to handle any traffic that would be generated by this use. But we were concerned about parking. The property has no onsite parking, so parking is going to have to be accommodated in the Village system, and most of that is going to go to the Vail Avenue Garage. So, we wanted to make sure that the garage had enough capacity to accommodate the expected parking demand for this use. But first, we needed to try and nail down what we thought the expected parking demand would be.

So, we did three things to do that. First, on the top here, you'll see what Village code requires for parking for this use, based on the different parts of the restaurant and the auditorium/music venue. The code requirements would require 31 parking spaces for

downtown uses. We do allow those code required parking spaces to be met within Village facilities as long as it's within a certain distance. The Vail Avenue Garage meets that criteria, so the required parking can be accommodated in the Vail Avenue Garage by code to meet the onsite parking requirements.

Secondly, we looked at the Rich & Associates study. Back in 2002, the Village hired Rich & Associates to analyze parking in downtown and develop estimates for projected parking demand based on the uses in our downtown. So, they went out and they surveyed the uses, they surveyed the parking, and they came up with their projections for what they thought each use was generating parking-wise. We took those formulas and we applied it to the Hey Nonny space. Based on the Rich & Associates data, they would assign or estimate about 89 parking spaces during the weekday, and a demand for 91 parking spaces during the weekend.

The third method we used was HNTB study which the Village had, for back when the original Metropolis Theater development was proposed in 1998. HNTB is a nationally recognized engineering firm and they came up with projections and formulas for what the expected parking demand would be based on uses. So, we applied that in this case, and based on their formulas, they estimated, you know, this type of use could generate peak parking demand of about 98 spaces.

So, given the Rich & Associates data and the HNTB data, we think that peak parking demand would be probably between 89 and 98 parking spaces. So, next we wanted to determine if the Vail Avenue Garage had capacity for that many parking spaces. For those of you who don't know how the Vail Avenue Garage works, the first floor is for daily pay and shopper parking. Second floor and third floor is reserved for permanent holders only. The fourth floor has permit parking during the day and then it opens up to free parking after noon. Then on level five, it's all free parking. I'm sorry, all free parking after noon.

So, we're going to be focused in on the fourth and fifth levels. I think we are all well aware that the first level is pretty packed during peak times. So, we wanted to know if the upper levels had capacity to accommodate for the expected parking demand. We sent our Police Department out for three evenings during October, one Friday and two Saturdays and have them survey the number of available spaces in the Vail Avenue Garage. The table here represents the average number of vacant spaces that they found on the fourth and fifth floor and what time those spaces were identified. Then most importantly, it shows the lowest amount of vacant spaces that they found.

So, on level four, the lowest amount of vacant spaces was 39 spaces, at that time it corresponded with 183 spaces -- oh, I'm sorry, at that time it corresponded with 121 spaces open on level five. Then again on level five, the lowest amount of open spaces was 36 spaces, and that corresponded with 99 open spaces on level four at that time. So, given the expected demand of 89 to 98 spaces, and given the data that we have, you know, we believe that there is capacity within the Vail Avenue Garage on levels four and five to accommodate for the expected parking demand by this use. We know that sometimes people don't like to drive all the way up to the fourth and fifth levels, but based on the data we have we are seeing available spaces there, granted this is just a snapshot of three days in October and we don't have data for 365 days of the year. There are probably days when parking on the fourth and fifth floor is really tight, but typically we don't think that that's the case and we think there is capacity.

We also had a number of other surveys we've had the police do over the years between 2014 all the way up to March of this year. We analyzed that data as well and

the lowest number of vacant spaces found on level five at any time was 60 spaces, and the lowest number of vacant spaces found on level four at any time was 86 spaces. These levels didn't occur on the same day, so again we believe this illustrates capacity to accommodate for this use.

So, we did recommend some conditions of approval, and there were some last minute tweaks to the conditions as they were written in the Staff report so I'll just go over them here. If you can see on your screen, the green text represents added language. The red strikethrough represents language that would be deleted. The motion sheet that you have in front of you is the final version, so that incorporates these changes that are shown on the slide.

Basically, the first condition is that all full-time employees would be required to purchase employee parking tickets for parking within the Village garage system. This is typical for any use that's going to go through the zoning approval process, we'll incorporate a condition like this. I think it makes sense for the business and it gives their employees a dedicated place to park so then, you know, they're not racking up parking tickets or running out every couple of hours to move their car if they have a meter.

We also have a condition that loud music shall not be permitted to spill out onto the street and the neighborhood, and music within the venue side, sorry, windows within the venue side would need to remain closed at all times during any paid admission show or any event that had loud music. Additionally, we are asking that additional restrictions be placed to close the windows on the restaurant side as well if it's determined that loud music could overflow outside of the restaurant side as well. We also put in a condition that requires the Petitioner to install sound buffering material on the top of their space to prevent sound overflow to the Metropolis Ballroom space, and then again our boilerplate condition that the Petitioner comply with all applicable federal, state and Village codes, regulations and policies.

So, we are recommending approval of the application subject to these conditions, and I'd be happy to answer any questions.

CHAIRMAN ENNES: Thank you for your report. Can I have a motion to approve the submission of the report to the public record?

COMMISSIONER JENSEN: So moved.

CHAIRMAN ENNES: Is there a second?

COMMISSIONER CHERWIN: Second.

CHAIRMAN ENNES: All in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Any opposed?

(No response.)

CHAIRMAN ENNES: Okay. Well, I'd like to move on to the questions from the Commissioners. Commissioner Jensen, would you like to begin?

COMMISSIONER JENSEN: Actually I don't really have any questions. I was in the Conceptual Review and I thought the presentation was quite thorough. So, I will pass at this point and allow some of the others who weren't in the various meetings to --

CHAIRMAN ENNES: Commissioner Warskow?

COMMISSIONER WARSKOW: Yes, I just have one question before we hear from anyone who would like to speak from the public. The hours of operation, are they pretty consistent with the other businesses, entertainment and restaurant businesses in downtown, Sam?

MR. HUBBARD: I believe so. I don't know specifically, but I would generally

say yes, they're generally consistent. I mean the hours of operation are also being limited by the liquor license. So, that's going to be across the board for any business.

COMMISSIONER WARSKOW: Okay, so like Big Shots is probably the same closing time because of that?

MR. HUBBARD: Could be if they have the same liquor license. I think you guys are going for the most permissive?

MR. DUNGAN: Yes, with the AA license primarily so we can serve mimosas at 10:00 o'clock on Saturday and Sunday versus 11:00. So, yes.

COMMISSIONER WARSKOW: Okay, I'll hold all other questions until I hear from the public.

CHAIRMAN ENNES: Commissioner Lorenzini?

COMMISSIONER LORENZINI: Thank you. Mr. Dungan, could you put up that slide again that shows when you're going to be playing music and show your schedule, when you're going to be open and --

MR. DUNGAN: Oh, yes. I'm sorry, got it. Here you go.

COMMISSIONER LORENZINI: There you go. So, just for clarification, so Friday and Saturday you're doing concerts from 8:00 to 10:00. There's no music after that?

MR. DUNGAN: Actually, no, the concert is at 8:00 and 10:00 which would be wrapped up by midnight.

COMMISSIONER LORENZINI: So, what do you mean at 8:00 and at 10:00, two different bands?

MR. DUNGAN: Yes, so they could be two different concerts or it could be two different bands.

COMMISSIONER LORENZINI: Okay, or you may just have one at 8:00 or maybe just one at --

MR. DUNGAN: Yes, I mean it's going to vary. I mean we might have one band that plays until 10:00, and then maybe we just have some acoustic or something afterwards. Or it could be two bands.

COMMISSIONER LORENZINI: Okay, and then what if you just, so there will be a cover charge I assume?

MR. DUNGAN: We'll sell tickets in advance, and so basically we'll have a ticketing system where we will pre-sell tickets.

COMMISSIONER LORENZINI: So, if you're just coming there to eat, you don't have to pay a cover charge.

MR. DUNGAN: That's correct.

COMMISSIONER LORENZINI: Is there, Sam, this is more for you, I assume there's a maximum occupancy they can have in the music venue?

MR. HUBBARD: Correct.

COMMISSIONER LORENZINI: But you will have standing room at times, standing room only generally?

MR. DUNGAN: That's correct.

COMMISSIONER LORENZINI: What's the maximum occupancy?

MR. DUNGAN: Except for the seats along the window.

COMMISSIONER LORENZINI: Right. What's the maximum occupancy?

MR. HUBBARD: Based on the Building Department review, I believe it's

somewhere around 200, between 200 and 300 people.

COMMISSIONER LORENZINI: How would that be policed, that you're not exceeding that?

MR. HUBBARD: You know, likely they would have a plaque posted on the wall that would identify what the maximum is.

COMMISSIONER LORENZINI: I'm already thinking positive for you. Will there be eating in the music area?

MR. DUNGAN: There will be. Certainly on Saturday and Sunday when we have our brunch because we'll open up the whole side. Then we have those 16 seats along the window which is really there for overflow dining from the restaurant, or it could be VIP tables where we'd serve food during a concert.

COMMISSIONER LORENZINI: Sam, if I remember right, this whole area of the building always had an issue with ventilation for a restaurant. How is that going to be handled?

MR. HUBBARD: The Petitioner is aware that that could be an issue. I think they're still working through that with their mechanical consultant. I don't know if you've reached a conclusion, but that can be resolved during the building permit review process.

COMMISSIONER LORENZINI: All right. Okay, that's all I have for now.

Thank you.

CHAIRMAN ENNES: Commissioner Green?

COMMISSIONER GREEN: I, too, was in the Conceptual Plan Review and I was excited about the concept then and I think you had a great presentation here tonight and I'm still very much excited about your project.

MR. DUNGAN: Thank you.

CHAIRMAN ENNES: Moving right through this, Commissioner Sigalos?

COMMISSIONER SIGALOS: I think it's an exciting project. Again, I was at the Conceptual Plan Review Committee meeting so I'm familiar with what you're doing. One of the conditions here is, condition two, that no loud music will be permitted to spill out onto the street, and windows are going to remain closed. Now, you were saying you're going to provide open windows like Shakou Restaurant just recently. How is that going to work then?

MR. DUNGAN: Yes, so, well, I think the objective there is that we are not going to have our windows open and loud music blasting out into the street. So, you know, our thought is there will be times, like say Friday afternoon, there could be something that's very sort of unplugged, quiet, there could be a little acoustic set or something that is no louder than any other type of piped in music in the venue. So, the idea is that we still want to have dining on the sidewalk, kind of sort of that open air concept. But when we have a concert and we have loud music, we will close that up. I mean our vertical wall that separates the two spaces would also be down so the diners can eat in peace as well.

I don't know if that answers your question or not. But the idea is that we'll make sure that nothing loud goes out onto the street.

COMMISSIONER SIGALOS: Again, I guess I don't understand how you're going to monitor that. In other words, if you have a live music venue at 8:00 p.m. or whatever on a Saturday night, how is that not going to go out onto the street?

MR. DUNGAN: Well, I mean if we have, again if we have a concert on a Saturday night, then that will be closed.

COMMISSIONER SIGALOS: That's all I have at this time.

CHAIRMAN ENNES: I have a number of questions since I wasn't at Conceptual Review. One, there's a number of conditions that were listed in the Staff report. Are you aware of all of those and do you agree to those?

MR. DUNGAN: We do.

CHAIRMAN ENNES: The rest of the questions I have are to you also. What do you mean by an intimate venue?

MR. DUNGAN: So, when we say intimate venue, you're really up close and personal with the artist. I mean when you're sitting there listening to a band, you know, you could be right here as close as I am to Sam. So, you know, an intimate venue is that, again a listening room is kind of a place where people sit and enjoy and listen to music and it's very up close and personal type of experience. It's not the kind of thing where it's loud music in the middle of a busy bar and you hear all this noise type of thing. Generally, when you're listening to music, you'll be sitting there and just appreciating the artist. You know, if you want to talk and dine and make a lot of noise, that's usually you sit in a restaurant and talk and converse. But in a listening room, people typically come and listen to the music. Intimate meaning, you know, basic setup is going to be typically 75 to 100 people in there.

CHAIRMAN ENNES: So, you're talking really about the proximity of the audience to, not the fact that it would be more low key.

MR. DUNGAN: Yes, and the experience, I think and the experience. I mean I think the versatility of the room really allows us to design the configuration of the seating so that based on the type of music and the audience that's there and the size of the audience, we can reshape that because we have such a flexible space to make it more intimate.

CHAIRMAN ENNES: I was just made aware of the fact that I missed one of our Commissioners at the end. It's definitely not intentional. Commissioner Cherwin, would you go on?

COMMISSIONER CHERWIN: I'm so slender and quiet -- no, that's all right. Do you want to continue?

CHAIRMAN ENNES: No, go ahead.

COMMISSIONER CHERWIN: All right, I don't have any questions. I was at Conceptual Review, too. No, it's a nice project. John actually hit on the one issue I was going to raise which was this condition number two. You know, I'm thinking to myself, there's probably going to be some spillage of noise or whatever. I mean are you comfortable with that guideline and I don't know that we want to be any more precise, but I guess I just figured that, you know, you don't want it to be obnoxious to the point where it's creating a problem but there will probably be some level, maybe this is good enough where it's talking about the paid admission show where you close it up. But I mean I'm just a little concerned about that first one being too restrictive, you know, you're not going to conflict with another show in Harmony Park, I know you don't want to do that. But you know, if you've got windows open and you've got some guy there with a, you know, harp or something like that, you don't --

MR. DUNGAN: Right, right.

COMMISSIONER CHERWIN: You'll hear it but it's like what's loud?

MR. DUNGAN: Yes, I mean for us, you know, it's important to be good neighbors to the people that live in Arlington Heights as well as the other businesses in the area. I think that's good for business for us. So, you know, our intention is not to put any loud obnoxious

sound out onto the street. So, you know, we're okay with the restrictions as they're written up, but yes.

COMMISSIONER CHERWIN: Then are you comfortable from your market studies and everything on the parking situation? That's something you can live with, you know, the garage and the, Sam had mentioned some people don't like to go up on the upper level.

MR. DUNGAN: Yes, you know, I think, you know, some of the things on the parking, we're right next to the garage.

COMMISSIONER CHERWIN: Right.

MR. DUNGAN: When we sell tickets on our website, you know, the great thing about our business is that they're probably going to come to our website to buy tickets to see shows. So, when we do that, we can educate them about parking in Arlington Heights. We can tell them, hey, there's public parking up on four and five, and guide them to the parking garage versus having them trying to figure out to drive around Arlington Heights for surface parking. So, yes.

COMMISSIONER CHERWIN: I didn't hear, is valet going to be an option with you guys or not?

MR. DUNGAN: You know, valet is an option. We're talking about it, we don't have a plan for it yet. But you know, one of the other things we've done, we've already reached out to a number of the other sort of restaurateurs and Tom Manetti of the Ballroom through an e-mail, and I think together we can talk about a number of topics where we can collaborate together and sort of enhance sort of the experience for our customers in Downtown Arlington Heights. There are some things I think that we can do together that, things like valet and other ideas, that are possible.

COMMISSIONER CHERWIN: Great, thanks. Nice job.

CHAIRMAN ENNES: Thanks. Okay, just to go back to this. Just for clarification, you mentioned in your opening comments that your partner Mr. Brooks was an attorney? I trust he still is an attorney?

MR. DUNGAN: He's an attorney, right. Sorry, he's a retired attorney, so yes.

CHAIRMAN ENNES: You also mentioned that you bought the property?

MR. DUNGAN: We did.

CHAIRMAN ENNES: Is that subject to approval of your plan?

MR. DUNGAN: No, we own the property.

CHAIRMAN ENNES: Gutsy guy. Okay, when you have venues that are standing room only, where will you be storing the tables and chairs that would otherwise be in the music venue?

MR. DUNGAN: Yes, we'll have some storage, we have some storage in the basement, and then we'll have some storage that will be built into our space, sort of in that back area, the green room type area back there as well. We're going to have to get very creative on that, and we may have to look at potentially even some offsite type of storage as well.

CHAIRMAN ENNES: You spoke at length about your investment and all the different high quality sound and wanting that experience. I noticed the audiences that you're trying to attract are 30's-40's, and then some older?

MR. DUNGAN: Yes, I mean I think we're designing it for really just about all ages, you know, but I think the target audience is going to be really age group of sort of 40's and

up. It's sort of, you know, as I said, it's the people who can go out again, you know. But certainly we'll design it for, you know, where it's a cool enough place that somebody in their late 20's or 30's will love to come to as well. But I think our audience is still going to be sort of in the 40 age group and up.

CHAIRMAN ENNES: Along those lines, I noticed the Metropolis added telecoil for some of the --

MR. DUNGAN: Added what?

CHAIRMAN ENNES: Telecoil for some of the patrons that are a little hard of hearing and have hearing aids.

MR. DUNGAN: Oh, yes.

CHAIRMAN ENNES: Will you have that?

MR. DUNGAN: I don't know, that's a good question. So, we did not think of that yet, but I'll definitely take it under advisement.

CHAIRMAN ENNES: Okay, that's all I have for the time being. You can have a seat and we're going to move into the public comment portion of the meeting. Can I see a show of hands of how many people in the audience would like to make a comment? One, two, and that's it. Let's start on the left side in the back row please, Joe, if you want to come forward and make your statement?

QUESTIONS FROM AUDIENCE

MR. KEEFE: Thank you, Mr. Chairman, Commissioners. I'm Joe Keefe, I'm the executive director for Metropolis Performing Arts Center where Christmas Carol will be opening in two weeks. It will be a great show.

I'm here to provide our enthusiastic support for this project. Some of you may have the question or concern that would this pose a conflict with Metropolis. Generally speaking, entertainment venues like ours actually look for what we would call cabaret partners. Many venues in Chicago have already incorporated this type of thing into their own venue. Steppenwolf, Second City, Milwaukee Brat has a great cabaret space. Doral has a very small space as well. So, generally speaking, if a space like this didn't exist, we would try to build one if we could. We don't have the space to do that, so to find a partner like this we think is complementary. We do think it's going to add value to our entertainment venue.

We see a lot of growth in the area. Many of you know that in the past two years or so, we've added, this will be, with this addition it will be 600 new seats within a block, restaurant seats within a block of Metropolis Performing Arts Center. We see that as a positive. We think that the audiences that Hey Nonny will bring in will be very interested in what we're doing and vice versa.

I would also share that the types of acts that typically a venue like this brings in are distinct from ours. Their ceiling, what the most they can offer is about where we begin with offers for various acts, the lowest acts we have, because we have 329 seats and we can expand to 377. Our offers have to be slightly higher, I mean considerably higher than this type of venue. So, we do see it as complementary, we don't see it as competitive. Our board I think would support that as well, especially the board members who are here tonight.

So, I'd be happy to answer any questions if there's any questions that are relevant to Metropolis Performing Arts Center, if you think there's anything in that. I would

note parking, by the way, we recognize parking issues in downtown. I will say again from our perspective, challenges with parking, in the theater world, the two biggest complaints you have are parking and bathrooms, that's it. Every theater it's the same thing. We recognize that issue, but generally speaking, for our theater, that's a sign of popularity. When people have trouble parking, they like to complain about it but in fact it's saying we're busy. You know, we try to educate our customers, we try to bring in our treasured patrons, we try to get them to understand that, and we do condition them, you know, with as much communication as we can both through our materials and also, you know, when they call in, we give them warnings on that as well.

I will say we use the Vail Street parking lot as well. We find it very convenient. In fact, it's a treasure for us, it's a real treasure. Most theaters of our size, people are parking a block, two blocks, three blocks away or even farther, and for us it's a treasure. So, I'd be happy to answer questions if there's any.

CHAIRMAN ENNES: Are there any questions for Joe?

MR. KEEFE: Again, thank you for the time. Our Christmas Carol is opening in two weeks.

CHAIRMAN ENNES: Thank you. There was one other lady? Would you please move forward and give us your name and would you please spell it for the court reporter?

MS. GUYER: My name is Pat Geyer, P-a-t G-u-y-e-r.

CHAIRMAN ENNES: Thank you.

MS. GUYER: I like the name of the company because my grandchildren call me Nonny, and so that's cool. It sounds like a very enjoyable place, but I'm looking at it from the perspective of a downtown resident. I live in the condos in Downtown Arlington Heights and I've been there for 17 years since the beginning. When I moved in, it was supposed to be a mixed use area with residential and business and entertainment and restaurants and a really overall family atmosphere. I understand that there is a lot of noise in the downtown area, that doesn't bother me, and I've happily and successfully lived there for all these years. I understand density, I understand noise, and I understand the 5:00 a.m. street sweepers and the train whistles and Peggy Kinnane's beer kegs being slammed down onto the concrete under my window, and nighttime entertainment.

But unfortunately, it just seems to me recently that atmosphere has changed and I've noticed it a lot with the opening of the Ale House Bar. Lately, I have noticed people on the street with open beer bottles. I have noticed empty beer bottles left on our condominium property. We caught, speaking of parking, we caught someone trying to come into our residential garage when he knew it was a residential garage to go over to the Metropolis. I've seen a restaurant person urinating in our parking lot in the broad daylight.

The Ale House Bar has been allowed to blast loud live music from open windows which is preposterous. There was of course the stabbing on Campbell Street which concerned me a lot. It was my understanding that it was two acquaintances, so it could happen anywhere. But I'm still concerned at the direction of all of these Village projects, that the direction they're going can become dense and can add to these types of incidents. It seems like the downtown area is moving away from a mixed use benefit on businesses and residents alike to more of just a Rosemont entertainment type district. I'm becoming concerned that the area is becoming too dense with establishments serving alcohol and noise pollution from live bands.

I'm very happy to see that the developers are really working and saying they're committing to keeping the noise down. But living there, especially across from the

Ale House, I've learned in reality this doesn't always happen even though intentions are good. So, I would just like to ask the Village to take the concerns of the downtown residents into account and to protect our rights when they work with developers and this developer for the music venue, because I believe that this is an area, and I don't think the area would be as nice or as successful if it didn't have a mix of residents. So, I think that the residents' rights should be taken into account as well. So, that's all I have to say.

CHAIRMAN ENNES: Thank you very much. Anyone? Yes, would you like to come up here? Again, would you state your name and please spell it for the court reporter?

MS. SIDOR: My name is Monica Sidor, S-i-d-o-r. I'm a resident of the Metro Lofts Condominiums. I'm an owner and I also sit on the board of directors. I don't want to be redundant, I just want to concur with everything that the previous resident stated. I have experienced a lot of noise pollution from the Ale House as well as Peggy Kinnane's and the piano bar. I can actually tell you what song they're playing from the seventh floor of Metro Lofts.

I also unfortunately do park in the Vail Street Garage. So, I will say that even though the parking studies that you guys are referencing from several decades ago are very probably relevant still today, there is a concern that I have from parking in there daily, not just because of the density of parking. I know that they double book the spots for commuters as well as residents, and so I'm not sure if the numbers stated do put into account the commuters that come and are able to park on two and three, not on four and five, because they're using their commuter parking permits to go on two and three, not just the upper levels.

Also, there is already a lot of traffic. I'll say that my neighbors have said to me as a board member that they don't let their kids walk around in that garage because they're afraid of people whipping around the corners and them getting hit. So, they actually bring their car down to the parking lot to make sure that their kids are safe. So, this is a resident issue, a resident concern that we already have with the existing businesses in the Village. So, I just want to reiterate that even though there might be spaces available for the business, that it's already a little bit of a hostile parking garage situation.

CHAIRMAN ENNES: Thank you for your comment.

MS. SIDOR: Thank you.

CHAIRMAN ENNES: Is there anyone else?

MR. MALTER: Hi, I'm Mark Malter. I've been a resident of Arlington Heights since about '93 and lived in the Heritage Park area since about '99. One of the really great things about --

CHAIRMAN ENNES: Mark, I'm sorry, can I ask you to spell your name for the reporter?

MR. MALTER: Malter, M-a-l-t-e-r. One of the great things about this area and being in Heritage Park has been really the bond with a lot of the neighbors that we have. We have a wonderful neighborhood out here, and one of the things that we really bond on with a lot of the group here, a few of us sitting here, has been music and food of course. So, in hearing about this and learning all about this venue and talking to Chris and everything on there, we're really excited as residents to come, because we do travel. We go to see music all the time exactly as Chris said. We drive to different places. To have it locally, to be able to, we're part of the groups and when you said the target is 40's, a lot of us are in the 50's and we're really excited about this. With kids in college or out of college and being able to go out again, being able to go down and close is just a wonderful thing, being able to see live music and have some good food and have

the farm-to-table with good food in there is really a benefit that we see out here.

I've talked to a number of people in other parts of Arlington Heights, and every single person I've talked to has been positive about this and says let me know when it's open and we're going to meet there. So, it's really a concept that seems to resonate and I want to make sure that we're heard and that you hear what we're saying as residents of Arlington Heights.

CHAIRMAN ENNES: Thank you very much. Is there anyone else? Yes, sir, would you come forward? Again, please state your name and spell it.

MR. REBODOS: Good evening. It's Larry Rebodos, I'm the owner of Big Shot Piano Lounge and Restaurant. I just wanted to take a couple of minutes and express my support for this, this great concept. I've known Chip now for about two years, met Chris, great guys, very solid individuals when it comes to business and the concept that they're bringing.

I look at it as a great opportunity for the entire downtown area. I never really look at it as competition. I mean they are going to be playing the same space we're playing, similar type of customers. But I always believe that with all the new restaurants that come in and other establishments, we're creating really a great destination spot for people to come. You know, when I talked to Derrick at Peggy's and Brian at Courtland's, our goal is always just to bring people to the downtown area and where we all can share in that. I might not get that customer, you know, that night or the following night, might not get it the following weekend, but as long as they're coming here to Arlington Heights versus Rosemont, versus Palatine, Barrington is starting to come on, Libertyville, they're creating such a big entertainment type district. You know, that's the way I would see our competition, you know. So, anything that can help build the downtown area and bring more people here, it is always a benefit to all the businesses.

As far as the noise, I do apologize to the residents. You know, we're doing the best we can, we're down in the basement. So, we have to be more cognizant at Big Shot to make sure that it doesn't, you know, affect the neighborhood. But being in the basement, we still have people who live in Arlington Heights who don't even know that we're there. So, our only ability to possibly attract people because all we have is a black awning is a speaker that we do pipe out some of that music from the piano player to say, hey, you know, Big Shot is down below. But we absolutely want to make sure that we're responsible and cognizant of that. So, you know, if there are issues, bring it to our attention.

But as far as the concept is concerned regarding Hey Nonny, once again we think it's great, and they're great individuals and they're really bringing something unique to the downtown area.

CHAIRMAN ENNES: Okay, thank you. Anyone else? Okay, I'm going to close the public portion of the comments and go back to the Commissioners for any further questions or discussion or a motion.

COMMISSIONER JENSEN: I just want to make one comment. I think the points raised by the residents are well taken. However, I do believe there's a fundamental difference between an ale house and the concept that this group is bringing to Arlington Heights. I think they probably would have a positive effect, not a negative effect on the environment. So, I hope you would keep that in mind.

COMMISSIONER LORENZINI: Just to add to what Lynn said, I think this is, personally I think this is a pretty classy operation it sounds like. But whenever you mix, bring a lot of people and have a lot of alcohol, something is going to happen. So, I would just recommend to the Village, I've been downtown many times to most of the restaurants, and I've never seen foot

patrol. You know, it might be worth recommending a foot patrol on Friday or Saturday nights. That's the only thing I have to say about it.

COMMISSIONER WARSKOW: I do have two quick questions if you could come back for a moment?

MR. DUNGAN: Sure.

COMMISSIONER WARSKOW: First, will there be any difficulty attracting artist performers?

MR. DUNGAN: You know, it's an interesting, we don't believe so. I mean today, you know, it's interesting, the concert business is exploding in the industry. Today, artists don't make any money on their albums, there's barely any money from recordings. So, it's forced artists to really have to perform live and go on tour. So, I saw a statistic between 2015 and 2016 that globally concert tickets sales, audience ticket sales as well as revenue is up 30 percent. I saw a statistic that in the United States, it's up almost 40 percent year over year. So, what that's done is it's really created sort of a shortage in small music venues because more artists are needing to tour and perform live more because they're making more money as a revenue source for the artist to make money. That's kind of pushing down to smaller and smaller venues and really a big shortage or at least kind of a shortage.

I was at a talent buyers association meeting in Nashville earlier last month, and I met a number of talent agents that deal with a lot of emerging artists and young artists, and they were excited about it. They just think there's just not enough small venues today for these young artists.

COMMISSIONER WARSKOW: Okay, I just wanted to make sure you were already reaching out to the artists to make sure because if you're going to have music everyday, that is a lot of people to line up.

MR. DUNGAN: Right, that's a lot of programming. A lot of programming for sure.

COMMISSIONER WARSKOW: You're marketing this as music everyday.

MR. DUNGAN: Right, right. The residency program also would help as well, because you know who your resident artist is basically for that night of the week.

COMMISSIONER WARSKOW: My other question is you did mention there will be two concerts on Friday and Saturday nights, 8:00 and 10:00 p.m.?

MR. DUNGAN: Yes, and sometimes that could be two separate events or it could be one event that just sort of carries through the evening. It might be multiple artists.

COMMISSIONER WARSKOW: If there's two separate events, is there enough time allowed in between? Because now you're talking potentially double parking.

MR. DUNGAN: Yes, typically with the events, when you have two events like that, we would have to create enough space in between the concerts so that people can leave and so we can do the sound checking and turning over.

COMMISSIONER WARSKOW: Okay. I think it's a great project. I would love to see it come to Arlington Heights and I hope it all works out.

MR. DUNGAN: Thank you very much.

CHAIRMAN ENNES: Thank you, Mary Jo.

COMMISSIONER SIGALOS: I just had a couple of questions, just minor. But on the music venue, you mentioned there would be a cover charge, do you have any idea what that would be?

MR. DUNGAN: It very much will depend on the artist. You know, a cover, a ticket, not necessarily a cover charge but a ticket event could be anywhere from \$10 and \$15, it could be up to \$65, depending on the type of artist we're bringing in to our house.

COMMISSIONER SIGALOS: On the restaurant side, is that more of just light food or dinners, or what do you anticipate?

MR. DUNGAN: It will be a fairly compact menu but it will be dinner as well, so we'll have a combination of light plates but also the ability to have some sandwiches and dinner plates as well.

COMMISSIONER SIGALOS: All right, thank you.

CHAIRMAN ENNES: Anything else?

COMMISSIONER CHERWIN: Terry, do you mind if I spoke?

CHAIRMAN ENNES: I wouldn't mind. You're not that far down there.

COMMISSIONER CHERWIN: I know. I don't have any questions, Chris, but I do, you know, just I think the residents brought up good points. I think my reaction is, you know, when we talk about noise and parking, I think that's a sign that you've got a vibrant downtown, so I think that's, you know, that's inherent in any sort of viable downtown area. I think I'd echo what Joe and Lynn said on the, you know, problems that were maybe as a result of getting a little bit more dense and some more venues, those are legit concerns. I don't think that's something that, you know, from our perspective here, we can address and we have to continue with the property and the development. But I do agree that it is something we need to think about in terms of how we police it and enforce it. With the, you know, with the downtown growth comes problems that are just, you know, natural when you talk about numbers and density.

So, I would agree, I think we have to look at, you know, having a standard on there that's a little higher than maybe we've done in the past. That's all I have to say.

CHAIRMAN ENNES: I agree with the other Commissioners. We appreciate your comments, the neighbor comments about some of the disruption. We sure don't expect you to go out to confront people that are doing some of this, the driving in the parking garage. We attempt to take this into consideration when we consider plans like addressing the fact that we want windows closed, we don't want this competition. When there has been some reference to the brew pub, or it's not a brew up, the Ale House and we heard supportive comments from the condo associations at that time which I think surprised some of the Commissioners, but if you see this type or you are experiencing this type of activity, I would suggest that you contact the Village, you talk to the Trustees. The Trustees are very, very receptive to hearing this stuff, and they are in a position that they can get departments to take action and do something. I don't know, it might be something like having foot patrols down there.

But some of the things that the lady in the second to last row mentioned, I'm sorry, I forgot your name, but some of the things you mentioned are totally unacceptable and should not be going on and something can be done about that. That needs to be kept under control or our downtown won't be what we're trying to develop. But unfortunately, that's not in our area here. But we hear you and we will try to do what we can in approving developments like this.

COMMISSIONER CHERWIN: I would just add it sounds like a lot of that, I mean that's illegal activity, you know, we --

CHAIRMAN ENNES: Yes, that should not go on.

COMMISSIONER CHERWIN: -- need to address that; so it's just a matter of

enforcement at that point and communication to the appropriate people.

CHAIRMAN ENNES: Right. Okay, would anybody like to make a motion?

COMMISSIONER GREEN: Well, my comment would be that I would like to make a motion for approval.

A motion to recommend to the Village Board of Trustees approval of PC#17-011, Amendment to PUD Ordinances #98-061, 99-028, and 13-032 to allow certain changes to the approved floor plan for the Metropolis mixed use development, a Special Use permit to allow a 3,974 square-foot restaurant and auditorium space (music venue), and the following variation:

- 1. Chapter 28, Section 6.12-1, to waive the requirement for a traffic and parking study prepared by a qualified professional engineer.**

This approval shall be subject to the following conditions:

- 1. All full-time employees shall be required to purchase employee parking permits for parking within the Village-owned garage system.**
- 2. No loud music shall be permitted to spill out into the street and neighborhood. Windows within the "venue" side of the establishment shall remain closed at all times during any paid admission show or any event with loud music. Additional windows within the establishment shall be closed as necessary to prevent loud music from overflowing outside of the subject unit.**
- 3. The Petitioner shall install sound buffering material to reduce noise bleed into the Metropolis Ballroom space.**
- 4. The Petitioner shall comply with all applicable federal, state, and Village codes, regulations, and policies.**

COMMISSIONER CHERWIN: I second.

CHAIRMAN ENNES: All in favor? Sam, would you do the roll call?

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. HUBBARD: Commissioner Warskow.

COMMISSIONER WARSKOW: Yes.

MR. HUBBARD: Chairman Ennes.

CHAIRMAN ENNES: Yes. So, you have a unanimous recommendation from the Plan Commission. This is advisory and you can move on to the Village Board for their

final approval.

MR. DUNGAN: Thank you very much.

CHAIRMAN ENNES: For consideration I should say. We do not have any other business? We approved the minutes already.

COMMISSIONER WARSKOW: Can I make a motion to adjourn?

MR. HUBBARD: I do have something.

COMMISSIONER WARSKOW: Oh, we have something.

MR. HUBBARD: Yes. Two things. First of all, a quick update on the November 29th Plan Commission meeting. We do have a project for St. James Parish. They want to tear down the old school building and do an expansion on their church and an expansion to the parking lot on the site. We also have a tentative Conceptual Plan Review Committee meeting for that evening. The project is escaping me right now.

But the one thing that I did want to discuss is we have a, I don't know if we have a dedicated person to fill in if our Chairman isn't here. Is that something that, I think it's something that the Plan Commission should probably decide. I think we've kind of been defaulting to Commissioner Green. I don't know if he's --

CHAIRMAN ENNES: We do have a Vice Chair.

MR. HUBBARD: We do?

CHAIRMAN ENNES: Yes.

MR. HUBBARD: And that would be?

CHAIRMAN ENNES: Commissioner Jensen.

MR. HUBBARD: Oh, okay.

COMMISSIONER JENSEN: I was very happy when Commissioner Green handled me the meetings.

CHAIRMAN ENNES: The last? But he wasn't here last time.

COMMISSIONER GREEN: Yes, I fell apart at the last moment.

MR. HUBBARD: Do we have a dedicated secretary?

COMMISSIONER WARSKOW: I am the secretary.

COMMISSIONER GREEN: It's Mary Jo.

CHAIRMAN ENNES: We did vote on this.

MR. HUBBARD: Excellent. Well, thanks for letting me know. That's all I have, thank you.

CHAIRMAN ENNES: That's all you have? Okay, so we have a motion?

COMMISSIONER WARSKOW: Now I make a motion to adjourn.

COMMISSIONER JENSEN: I'll second.

CHAIRMAN ENNES: All in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: No voice vote on that. Okay, the meeting is adjourned. Thank you all for coming. Thank you for your comments, and good luck with your project.

(Whereupon, the meeting was adjourned
at 8:55 p.m.)

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, ROBERT LUTZOW, depose and say
that I am a digital court reporter doing business in the State of Illinois;

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that I reported verbatim the foregoing proceedings and that the foregoing is a true and correct transcript to the best of my knowledge and ability.

ROBERT LUTZOW

UBSCRIBED AND SWORN TO
BEFORE ME THIS _____ DAY OF
_____, A.D. 2017.

NOTARY PUBLIC