



**MINUTES FOR VILLAGE OF GILBERTS
SPECIAL PLAN COMMISSION/ZONING BOARD OF APPEALS MEETING
Village Hall: 87 Galligan Road, Gilberts, IL 60136
Meeting Minutes
Wednesday, May 8, 2024**

1. CALL TO ORDER

Chairman Mills called the meeting to order at 7:00 p.m.

2. ROLL CALL / ESTABLISH QUORUM

Village Clerk Lynda Lange called the roll. Roll call of Members present: Commissioners Page, Sullivan and Lateer along with Chairman Mills were present. Commissioners Borgardt, McHone, and DelVecchio were absent. Others present were Administrator Brian Bourdeau, Management Analyst Riley Lynch, Management Analyst Mitchell Anderson and Village Clerk Lynda Lange, and Attorney Kurt Asprooth.

3. PUBLIC COMMENT

There were no public comments at this time.

4. ITEMS FOR APPROVAL

A. A Motion to Approve Minutes from the January 10, 2024 Plan Commission Meeting

A Motion to Approve the meeting minutes from the January 10, 2024 board meeting was made by Commissioner Lateer and seconded by Commissioner Page. Roll call vote: Commissioners, Page, Sullivan & Lateer, and Chairman Mills voted Aye (4). Nays (0). Absent (3) Commissioners Borgardt, McHone & DelVecchio (0) Abstain:

5. PUBLIC HEARING AND RECOMMENDATION to the Village Board Regarding a Special Use and Variance Requests Related to Outdoor Seating Areas for Pub 72 (38 East Higgins Rd):

Pub 72 Inc. (*The Applicant*) is requesting an amendment to their 2014 special use permit to include an additional 805sqft of outdoor seating area in addition to the following Variance's:

- A variance to encroach 10ft into the 10ft required side yard setback.
- A variance to protrude 10ft into the required 15ft front yard setback.
- A variance from the required 14 additional parking spaces caused by the increased area of the outdoor seating areas.

Based on the information submitted by the Applicant and the Village's standards for variances it does not appear that the Applicant has sufficiently met all the required standards.

Management Analyst Riley Lynch provided an overview of history relative to special use permits and variances issued previously as outlined below:

- The Applicant operates a restaurant and bar located at 38 E Higgins Road (PIN: 02-24-154-010). This property is zoned as C1 Commercial, with the OT Old Town district and residential uses to the north and west, I1 Industrial district to the south across Higgins Road, and more of the Commercial district and commercial uses to the east across Galligan Road.
- On August 19, 2014, the Applicant received approval for a special use permit to operate a permanent outdoor seating area ancillary to their restaurant and bar (ORD 16-2014). This permit specifically pertained to a 32'x22' deck on the east side of the main building. The 2014 special use permit included variances from setback regulations and from additional parking requirements caused by the increased seating and customer capacity.
- On September 17, 2019, the Applicant received a special use permit for the purposes of installing an outdoor volleyball court (ORD 13-2019). This special use application also contained specific compliance criteria.
- April 18, 2023, the Applicant received approval for a variance from the requirement to provide an additional six parking spaces incidental to an expansion on the west side of the main building. This expansion included an exterior deck on the north and west faces of the expansion. However, this deck area was added to their permit plans after receiving the parking variance approval and does not have a special use permit for outdoor seating. Consequently, this existing deck space on the north face of the expansion cannot be used for outdoor seating.

Analyst Lynch then outlined the Applicant's requests. The Applicant seeks to establish two additional permanent outdoor seating areas ancillary to their business. The first area involves a 490 sq ft wrap-around wooden deck on the south and southwest faces of the most recent building expansion. This deck, expected to accommodate approximately 8 tables or 32 people, will be accessed from the main building via sliding doors and an overhead garage door. The proposed design calls for the deck to encroach into the required front and side-interior yard setbacks by approximately 9-10 feet each. The second proposed area is a 315 sq ft fully fenced-in asphalt section on the north face of the newest expansion, designed to accommodate about 5 tables or 20 people. Access to this area will be provided by a deck and staircase on the north side of the main building. Per Chapter 4-3-2e of the Village's Unified Development Ordinance (UDO), "*permanent outdoor seating areas accessory to bars, restaurants, and taverns*" require a special use permit in the C1 Commercial Zoning District. A special use permit applies only to a defined area and does not allow for the expansion of or creation of a new outdoor seating area without amending an existing permit or obtaining a new one. Therefore, the Applicant needs to amend their existing special use permit to include these newly proposed seating areas. Furthermore, Chapter 9-1-B-3 of the Village's UDO stipulates that restaurants, bars, and taverns must provide 18 parking spaces per 1,000 sq ft of net floor area, which also applies to outdoor seating areas. The proposed total additional area of 805 sq

ft would thus require 14 more parking spaces. The Applicant is requesting a variance to waive this requirement altogether. Granting this variance would result in a deficit of over 25 parking spaces.

The applicants for Pub 72, Tom Trier and Brian Zirlin were present from Pub 72 to present their request and provide their supporting information regarding the submitted Variances and Special Use request. Brian Zirlin passed out a comparison spreadsheet noting a variety of restaurants located in the surrounding suburbs outlining how much additional income is generated to those providing outdoor dining during warm weather months vs cold weather months when there is indoor dining only. They also answered several questions from the Commissioners regarding their plans, including safety & security measures, lighting plans, potential noise disturbances to neighboring homes and parking issues.

Attorney Asprooth advised on the OS Liquor License requirements.

Analyst Lynch read into public record, the letter, received through electronic means from a neighboring resident, Penny & Cindy Bauer at 28 Galligan Rd. They expressed concerns over parking congestion on their street due the reduced number of parking places, potential noise and lighting issues.

The applicants advised that there will be no additional lighting installed, the outdoor area will be closing at 10:00pm and there will be no outdoor music (other than events that applicant will obtain a special event license for) and vehicle noise will be no different than it is currently.

Chairman Mills asked about signage, noting that no additional signs can be installed. Additionally, there is current signage that is not compliant with the UDO and must be addressed. The UDO allows only 1 sign per street front. Applicant Tom Trier advised that they have had signs in place over 10 years and were unaware that they could not have them. Tom Trier advises that they have already removed the Volleyball sign and will be working with the Village to become compliant.

Several questions from Commissioners revolved around parking and set back requirements.

Analyst Lynch read each of the variance requests and provided existing zoning district regulations that are required for each of the submitted variance requests. The findings of fact and standards were reviewed.

The Commissioners did not feel that all provisions/standards were in compliance with the UDO.

Administrator Bourdeau advised that any variance request that is submitted must meet specific standards that align with the UDO.

Attorney Asprooth that the OS (outside dining) license requirements must be met, as required.

Analyst Anderson read the parking requirements and advised the Board members that the applicant must meet each of the required findings of fact in order to approve.

Attorney Asprooth also advised on the discussion of additional parking that the applicant utilizes from another commercial property he also owns currently uses for overflow parking. If the property sells or leases to a party that requires parking at the additional property, the parking lot would not be available for use by applicant for his restaurant. The additional commercial property has its own parking requirements and cannot be counted for the restaurant.

The Plan Commission recommends the approval of the Special Use:

A Motion to Approve the Request to Amend the Special Use request and variances with a condition that the applicant install bollards along the Rt. 72 installation. Commissioner Lateer and seconded by Commissioner Page. Roll call vote: Commissioners, Page, Sullivan & Lateer, and Chairman Mills voted Aye (4). Nays (0). Absent (3) Commissioners Borgardt, McHone & DelVecchio (0) Abstain:

6. NEW BUSINESS: *None*

7. OTHER BUSINESS – None.

8. ADJOURNMENT

There being no further public business to discuss, *a Motion was made by Commissioner Page and seconded by Commissioner Lateer to adjourn from the public meeting at 9:10 p.m.* Voice vote of Aye carried unanimously (4). Motion carried.

Respectfully submitted,

Lynda Lange

Lynda Lange, Village Clerk